

# COMMITTEE PRINT

**Showing the Text of H. R. 1073  
As Approved by the Subcommittee on  
Housing and Community Opportunity  
on April 15, 1999**

1        *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4        This Act may be cited as the “Homeless Housing  
5 Programs Consolidation and Flexibility Act”.

6 **SEC. 2. FINDINGS; PURPOSE.**

7        (a) FINDINGS.—The Congress finds that—

8            (1) the United States faces a crisis of individ-  
9            uals and families who lack basic affordable housing  
10           and appropriate shelter;

11           (2) assistance from the Federal Government is  
12           an important factor in the success of efforts by  
13           State and local governments and the private sector  
14           to address the problem of homelessness in a com-  
15           prehensive manner;

16           (3) there are a multitude of Federal Govern-  
17           ment programs to assist the homeless, including pro-  
18           grams for elderly persons, persons with disabilities,  
19           Native Americans, and veterans;

1           (4) many of the Federal programs for the  
2 homeless have overlapping objectives, resulting in  
3 multiple sources of Federal funding for the same or  
4 similar purposes;

5           (5) while the results of Federal programs to as-  
6 sist the homeless generally have been positive, it is  
7 clear that there is a need for consolidation and sim-  
8 plification of such programs to better support local  
9 efforts;

10          (6) increasing resources available to reduce  
11 homelessness are utilized in the development of serv-  
12 ices rather than the creation of housing;

13          (7) housing programs must be evaluated on the  
14 basis of their effectiveness in reducing homelessness,  
15 transitioning individuals to permanent housing and  
16 self-sufficiency, and creating an adequate plan to  
17 discharge homeless persons to and from mainstream  
18 service systems;

19          (8) effective homelessness treatment should pro-  
20 vide a comprehensive housing system (including  
21 transitional and permanent housing) and, while not  
22 all homeless individuals and families attain self-suffi-  
23 ciency and independence by utilizing transitional  
24 housing and then permanent housing, in many cases  
25 such individuals and families are best able to reenter

1 society directly through permanent, supportive hous-  
2 ing;

3 (9) supportive housing activities support home-  
4 less persons in an environment that can meet their  
5 short-term or long-term needs and prepare them to  
6 reenter society as appropriate;

7 (10) homelessness should be treated as part of  
8 a symptom of many neighborhood and community  
9 problems, whose remedies require a holistic approach  
10 integrating all available resources;

11 (11) there are many private sector entities, par-  
12 ticularly nonprofit organizations, that have success-  
13 fully operated homeless programs;

14 (12) employment programs for homeless per-  
15 sons, particularly those who are able-bodied, can be  
16 effective in helping homeless persons reenter the  
17 workplace and, therefore, such programs should be  
18 emphasized as a supportive service;

19 (13) transitional and supportive housing re-  
20 sources and services provide a continuum between  
21 emergency shelter and independent living and are  
22 therefore crucial for women and families who have  
23 left situations of domestic violence and are trying to  
24 gain self-sufficiency;

1           (14) government restrictions and regulations  
2           may discourage and impede innovative approaches to  
3           homelessness, such as coordination of the various  
4           types of assistance that are required by homeless  
5           persons;

6           (15) the Federal Government has a responsibil-  
7           ity to establish partnerships with State and local  
8           governments and the private sector to address com-  
9           prehensively the problems of homelessness;

10          (16) because transitional and supportive hous-  
11          ing services are crucial in providing services to  
12          homeless youth, in that such services help move  
13          young people out of homeless facilities, help them re-  
14          turn to school, and help them become functioning  
15          members of society, such services should reflect  
16          these priorities and employ outcome-based methods  
17          while serving this vulnerable population;

18          (17) approximately one-third of homeless adults  
19          in the United States are veterans; and

20          (18) of the funds provided for activities under  
21          the Steward B. McKinney Homeless Assistance Act  
22          for fiscal year 1998, only \$23,000,000, which is 3.2  
23          percent of such funds, were spent on primarily vet-  
24          eran projects.

25          (b) PURPOSE.—It is the purpose of this Act—

1           (1) to consolidate the existing housing pro-  
2           grams for homeless persons under title IV of the  
3           Stewart B. McKinney Homeless Assistance Act into  
4           a single block grant program for housing assistance  
5           for the homeless;

6           (2) to allow flexibility and creativity in rethink-  
7           ing solutions to homelessness, including alternative  
8           housing strategies and an improved service sector;

9           (3) to provide Federal assistance to reduce  
10          homelessness on a basis that requires recipients of  
11          such assistance to supplement the federally provided  
12          amounts and thereby guarantee the provision of a  
13          certain level of housing and complementary services  
14          necessary to meet the needs of the homeless popu-  
15          lation; and

16          (4) to ensure that multiple Federal agencies are  
17          involved in the provision of housing, human services,  
18          employment, and education assistance both through  
19          the funding provided for implementation of the  
20          Stewart B. McKinney Homeless Assistance Act and  
21          mainstream funding and to encourage entrepreneur-  
22          ial approaches in the provision of housing for home-  
23          less people.

1 **SEC. 3. GENERAL PROVISIONS.**

2 Title I of the Stewart B. McKinney Homeless Assist-  
3 ance Act (42 U.S.C. 11301 et seq.) is amended—

4 (1) by striking section 102;

5 (2) in section 103—

6 (A) in subsection (a), by striking “the  
7 term ‘homeless’ or ‘homeless individual or  
8 homeless person’ includes” and inserting “the  
9 terms ‘homeless individual’ and ‘homeless per-  
10 son’ include”; and

11 (B) in subsection (c), by striking “the term  
12 ‘homeless’ or ‘homeless individual’ does not in-  
13 clude” and inserting “the terms ‘homeless indi-  
14 vidual’ and ‘homeless person’ do not include”;  
15 and

16 (3) by redesignating sections 103, 104, and 105  
17 as sections 102, 103, and 104, respectively.

18 **SEC. 4. FEDERAL EMERGENCY MANAGEMENT AGENCY**  
19 **FOOD AND SHELTER PROGRAM.**

20 Section 322 of the Stewart B. McKinney Homeless  
21 Assistance Act (42 U.S.C. 11352) is amended to read as  
22 follows:

23 **“SEC. 322. AUTHORIZATION OF APPROPRIATIONS.**

24 “There are authorized to be appropriated to carry out  
25 this title such sums as may be necessary for each of fiscal  
26 years 2000, 2001, 2002, 2003, and 2004.”.

1 **SEC. 5. PERMANENT HOUSING DEVELOPMENT AND FLEXI-**  
2 **BLE BLOCK GRANT HOMELESS ASSISTANCE**  
3 **PROGRAM.**

4 (a) IN GENERAL.—Title IV of the Stewart B. McKin-  
5 ney Homeless Assistance Act (42 U.S.C. 11361 et seq.)  
6 is amended to read as follows:

7 **“TITLE IV—PERMANENT HOUS-**  
8 **ING DEVELOPMENT AND**  
9 **FLEXIBLE BLOCK GRANT**  
10 **HOMELESS ASSISTANCE PRO-**  
11 **GRAM**

12 **“Subtitle A—General Provisions**

13 **“SEC. 401. PURPOSE; PERFORMANCE MEASURES.**

14 “(a) PURPOSE.—The purpose of the program under  
15 this title is to provide assistance for permanent housing  
16 development for homeless persons and promote the devel-  
17 opment of a comprehensive housing system that transi-  
18 tions homeless persons to live as independently as possible,  
19 including assistance in the form of permanent housing de-  
20 velopment, supportive housing, emergency shelters, sup-  
21 portive services, and activities to prevent homelessness.

22 “(b) PERFORMANCE MEASURES.—Consistent with  
23 the purposes and requirements of the Government Per-  
24 formance and Results Act of 1993, the programs under  
25 this title and the implementation of such programs by the

1 Department of Housing and Urban Development shall  
2 comply with the following performance goals:

3           “(1) The Federal Government shall ensure an  
4 effective grant allocation process and sound financial  
5 management of the process. Such grant allocation  
6 process shall be implemented to ensure that—

7           “(A) local governments shall work with the  
8 appropriate local board to create innovative  
9 plans sufficient to address the needs of home-  
10 less people in their community; and

11           “(B) all eligible communities receive funds  
12 to address the needs of homeless people in such  
13 communities through local governments or pri-  
14 vate nonprofit organizations.

15           “(2) The financial resources provided under  
16 this title shall be used effectively to create more low-  
17 cost permanent housing and to transition homeless  
18 people to self-sufficiency and permanent housing,  
19 and specifically programs shall be evaluated regard-  
20 ing their documented outcomes in—

21           “(A) helping participants obtain or remain  
22 in permanent housing;

23           “(B) helping participants obtain or remain  
24 in jobs;

1           “(C) helping participants obtain or in-  
2           crease income, including income from benefits;  
3           and

4           “(D) helping participants increase their  
5           self-determination, especially as it is affected by  
6           primary and behavioral health care treatment.

7           “(3) The Federal Government shall use the  
8           Interagency Council on the Homeless as a vehicle to  
9           coordinate services, programs, and funds to promote  
10          the transition of homeless people to self-sufficiency  
11          in permanent housing.

12 **“SEC. 402. GRANT AUTHORITY.**

13          “(a) IN GENERAL.—The Secretary may make grants  
14          as provided under this title to eligible grantees for States,  
15          metropolitan cities, urban counties, and insular areas for  
16          carrying out eligible activities under subtitles B and C.

17          “(b) GRANT AMOUNTS.—Except as otherwise pro-  
18          vided under this title, amounts for a fiscal year allocated  
19          under section 406 shall be used as follows:

20                 “(1) INSULAR AREAS.—Any amounts for the  
21                 fiscal year allocated under section 406(a) for an in-  
22                 sular area shall be used for a grant to the eligible  
23                 grantee for the insular area for such fiscal year.

24                 “(2) PERMANENT HOUSING DEVELOPMENT.—  
25                 Any amounts allocated under section 406(b) for use

1 under subtitle B shall be used for grants under sec-  
2 tion 406(b)(2) to States, metropolitan cities, and  
3 urban counties for such fiscal year.

4 “(3) FLEXIBLE BLOCK GRANT HOMELESS AS-  
5 SISTANCE.—Any amounts allocated under section  
6 406(c) for a State, metropolitan city, or urban coun-  
7 ty, shall be used for a grant under section 406(c) to  
8 the eligible grantee for the State, metropolitan city,  
9 or urban county, for the fiscal year.

10 “(c) USE FOR ELIGIBLE ACTIVITIES.—Grant  
11 amounts provided under this title and any supplemental  
12 funds provided under section 407 may be used only as fol-  
13 lows:

14 “(1) INSULAR AREA GRANTS.—In the case of a  
15 grant under subsection (b)(1) for an insular area,  
16 for eligible activities under subtitle C benefiting the  
17 insular area.

18 “(2) PERMANENT HOUSING DEVELOPMENT  
19 GRANTS.—In the case of a grant under subsection  
20 (b)(2) to a State, metropolitan city, or urban county,  
21 for eligible activities under subtitle B within the  
22 State, metropolitan city, or urban county, respec-  
23 tively.

24 “(3) FLEXIBLE BLOCK GRANT HOMELESS AS-  
25 SISTANCE.—In the case of a grant under subsection

1 (b)(3) for a State, metropolitan city, or urban coun-  
2 ty, for eligible activities under subtitle C benefiting  
3 the State, metropolitan city, or urban county, and  
4 carried out only within nonentitlement areas of the  
5 State, within the metropolitan city, or county, re-  
6 spectively, or within a metropolitan city or county  
7 that borders on the metropolitan city or county re-  
8 ceiving the grant, as applicable.

9 **“SEC. 403. ELIGIBLE GRANTEES.**

10 “For purposes of this title, the term ‘eligible grantee’  
11 has the following meaning:

12 “(1) GRANTS FOR INSULAR AREAS.—In the  
13 case of a grant from amounts allocated under sec-  
14 tion 406(a) for an insular area, such term means—

15 “(A) the insular area, or an agency, office,  
16 or other entity of the area; or

17 “(B) to the extent that an entity that is a  
18 private nonprofit organization is authorized by  
19 the government of the insular area to act as the  
20 grantee for the area for purposes of this title,  
21 such private nonprofit entity.

22 “(2) GRANTS FOR PERMANENT HOUSING DE-  
23 VELOPMENT AND FLEXIBLE ASSISTANCE.—In the  
24 case of a grant from amounts allocated under sec-

1           tion 406(b) or section 406(c) for a State, metropoli-  
2           tan city, or urban county, such term means—

3                   “(A) the State, metropolitan city, or urban  
4                   county, respectively, or an agency, office, or  
5                   other entity of the State, city, or county, re-  
6                   spectively; and

7                   “(B) to the extent that a private nonprofit  
8                   organization is authorized by the government of  
9                   the State, metropolitan city, or county to act as  
10                  the grantee for the State, metropolitan city, or  
11                  county, respectively, for purposes of this title,  
12                  such private nonprofit organization.

13   **“SEC. 404. USE OF PROJECT SPONSORS.**

14           “(a) **TRANSFER OF GRANT AMOUNTS BY GRANT-**  
15 **EES.**—Eligible activities assisted with grant amounts pro-  
16 vided under this title may be carried out directly by the  
17 grantee or by other entities serving as project sponsors  
18 which are provided such grant amounts by the grantee or  
19 a subgrantee of the grantee.

20           “(b) **COMPETITIVE SELECTION CRITERIA.**—To the  
21 extent that a grantee does not use grant amounts for eligi-  
22 ble activities carried out directly by the grantee, the grant-  
23 ee shall select eligible activities for assistance and project  
24 sponsors to carry out such eligible activities pursuant to

1 a competition based on criteria established by the Sec-  
2 retary, which shall include—

3 “(1) whether the project sponsor that will carry  
4 out the activity is financially responsible;

5 “(2) the ability of the project sponsor to carry  
6 out the eligible activity and the project sponsor’s ex-  
7 perience in successfully transitioning homeless per-  
8 sons into stable, long-term housing;

9 “(3) the need for the type of eligible activity in  
10 the area to be served;

11 “(4) the extent to which the amount of assist-  
12 ance to be provided with grant amounts will be sup-  
13 plemented with resources from other public and pri-  
14 vate sources;

15 “(5) the cost-effectiveness of the proposed eligi-  
16 ble activity, considered in relation to the ultimate  
17 goal of permanently moving people out of homeless-  
18 ness, including consideration of high-cost area serv-  
19 ices, and other necessary amenities;

20 “(6) the extent to which the project sponsor  
21 carrying out the eligible activity—

22 “(A) will coordinate with Federal, State,  
23 local, and private entities serving homeless per-  
24 sons in the development of a comprehensive

1 housing system and in the planning and oper-  
2 ation of the activity; and

3 “(B) will, pursuant to section 408(m)(3),  
4 carry out the activity in coordination and con-  
5 junction with federally funded activities for the  
6 homeless;

7 “(7) the extent to which the project sponsor  
8 employs homeless persons or involves homeless per-  
9 sons or formerly homeless persons in the operation  
10 and design of its programs; and

11 “(8) such other factors as the Secretary deter-  
12 mines to be appropriate to carry out this title in an  
13 effective and efficient manner.

14 **“SEC. 405. COMPREHENSIVE HOUSING AFFORDABILITY**  
15 **STRATEGY COMPLIANCE.**

16 “A grant under this title may be provided to an eligi-  
17 ble grantee only if—

18 “(1) the applicable jurisdiction for which the  
19 grant amounts are allocated under section 406 has  
20 submitted to the Secretary a comprehensive housing  
21 affordability strategy in accordance with section 105  
22 of the Cranston-Gonzalez National Affordable Hous-  
23 ing Act and any other requirement established by  
24 the Secretary and which is in effect for the fiscal

1 year for which such grant amounts are to be pro-  
2 vided; and

3 “(2) the public official of such applicable juris-  
4 diction who is responsible for submitting the com-  
5 prehensive housing affordability strategy required by  
6 paragraph (1) certifies to the Secretary that the eli-  
7 gible activities to be assisted with such grant  
8 amounts are or will be consistent with such com-  
9 prehensive housing affordability strategy, including  
10 the plans in such strategy for addressing housing  
11 needs for homeless families.

12 **“SEC. 406. ALLOCATION AND AVAILABILITY OF AMOUNTS.**

13 “(a) ALLOCATION FOR INSULAR AREAS.—Of the  
14 amount made available for grants under this title for a  
15 fiscal year, the Secretary shall reserve for grants for each  
16 of the insular areas amounts in accordance with an alloca-  
17 tion formula established by the Secretary.

18 “(b) ALLOCATION FOR PERMANENT HOUSING DE-  
19 VELOPMENT GRANTS UNDER SUBTITLE B.—

20 “(1) ANNUAL PORTION OF APPROPRIATED  
21 AMOUNT AVAILABLE.—Of the amount made avail-  
22 able for grants under this title for a fiscal year that  
23 remains after amounts are reserved under subsection  
24 (a), the Secretary shall allocate for use under sub-  
25 title B, 30 percent of such funds.

1           “(2) GRANTS.—Using the amounts allocated for  
2 use under subtitle B for a fiscal year, the Secretary  
3 shall make grants to States, metropolitan cities, and  
4 urban counties pursuant to a national competition  
5 based on the criteria specified in section 404(b) and  
6 in accordance with such other factors and proce-  
7 dures as the Secretary determines to be appropriate  
8 to carry out this title in an effective and efficient  
9 manner.

10           “(3) LIMITATION.—In making grants using  
11 amounts allocated for use under subtitle B for any  
12 fiscal year, the Secretary shall ensure that not more  
13 than 35 percent of the total amount allocated for  
14 such use for such fiscal year is used for activities  
15 under section 441 of this Act, as in effect on Octo-  
16 ber 31, 1998.

17           “(c) ALLOCATION FOR FLEXIBLE BLOCK GRANT  
18 HOMELESS ASSISTANCE UNDER SUBTITLE C.—

19           “(1) ANNUAL PORTION OF APPROPRIATED  
20 AMOUNT AVAILABLE FOR SUBTITLE C ACTIVITIES.—  
21 Of the amount made available for grants under this  
22 title for a fiscal year that remains after amounts are  
23 reserved under subsection (a), the Secretary shall al-  
24 locate for use under subtitle C, 70 percent of such  
25 funds.

1           “(2) ALLOCATION OF AMOUNT AVAILABLE BE-  
2           TWEEN METROPOLITAN CITIES AND URBAN COUN-  
3           TIES AND STATES.—Of the amount allocated pursu-  
4           ant to paragraph (1) for use under subtitle C for a  
5           fiscal year, 70 percent shall be allocated for metro-  
6           politan cities and urban counties and 30 percent  
7           shall be allocated for States.

8           “(3) INTERIM DETERMINATION OF ALLOCATED  
9           AMOUNT.—Except as provided in paragraph (4), the  
10          Secretary shall allocate amounts available for use  
11          under subtitle C for a fiscal year so that—

12                 “(A) for each metropolitan city and urban  
13                 county, the percentage of the total amount allo-  
14                 cated under this subsection for cities and coun-  
15                 ties that is allocated for such city or county is  
16                 equal to the percentage of the total amount  
17                 available for the preceding fiscal year under  
18                 section 106(b) of the Housing and Community  
19                 Development Act of 1974 for grants to metro-  
20                 politan cities and urban counties that was allo-  
21                 cated for such city or county; and

22                 “(B) for each State, the percentage of the  
23                 total amount allocated under this subsection for  
24                 States that is allocated for such State is equal  
25                 to the percentage of the total amount available

1 for the preceding fiscal year under section  
2 106(d) of the Housing and Community Devel-  
3 opment Act of 1974 for grants to States that  
4 was allocated for such State.

5 “(4) MINIMUM APPROPRIATION REQUIRE-  
6 MENT.—If, by December 1 of any fiscal year, the  
7 amount appropriated for grants under this title for  
8 such fiscal year is less than \$750,000,000—

9 “(A) the Secretary shall not allocate  
10 amounts for such fiscal year under subsection  
11 (b) and this subsection;

12 “(B) subsection (d) shall not apply to  
13 amounts for such fiscal year; and

14 “(C) notwithstanding any other provision  
15 of this title, the Secretary shall make grants  
16 under this title from such amounts to States,  
17 units of general local government, and private  
18 nonprofit organizations, pursuant to a national  
19 competition based on the criteria specified in  
20 section 404(b).

21 “(5) STUDY; SUBMISSION OF INFORMATION TO  
22 CONGRESS RELATED TO ALTERNATIVE METHODS OF  
23 ALLOCATION.—Not later than 1 year after the date  
24 of the enactment of the Homeless Housing Pro-

1       grams Consolidation and Flexibility Act, the Sec-  
2       retary shall—

3               “(A) submit to Congress—

4                       “(i) the best available methodology for  
5                       determining a formula relative to the geo-  
6                       graphic allocation of funds under this sub-  
7                       title among entitlement communities and  
8                       nonentitlement areas based on the inci-  
9                       dence of homelessness and factors that  
10                      lead to homelessness;

11                     “(ii) proposed alternatives to the for-  
12                     mula submitted pursuant to clause (i) for  
13                     allocating funds under this section, includ-  
14                     ing an evaluation and recommendation on  
15                     a 75/25 percent formula and other alloca-  
16                     tions of flexible block grant homeless as-  
17                     sistance between metropolitan cities and  
18                     urban counties and States under para-  
19                     graph (2);

20                     “(iii) an analysis of the deficiencies in  
21                     the current allocation formula described in  
22                     section 106(b) of the Housing and Com-  
23                     munity Development Act of 1974;

1                   “(iv) an analysis of the adequacy of  
2                   current indices used as proxies for measur-  
3                   ing homelessness;

4                   “(v) an analysis of the bases underly-  
5                   ing each of the proposed allocation meth-  
6                   ods; and

7                   “(vi) an alternative to the formula  
8                   submitted pursuant to clause (i) that ad-  
9                   dresses the relationship of housing afford-  
10                  ability to the ending of homelessness  
11                  through movement to permanent housing,  
12                  by proposing a means to account for and  
13                  accommodate geographic areas of high  
14                  housing costs;

15                  “(B) perform the duties required by this  
16                  paragraph in ongoing consultation with—

17                  “(i) the Subcommittee on Housing  
18                  Opportunity and Community Development  
19                  of the Committee on Banking, Housing,  
20                  and Urban Affairs of the Senate;

21                  “(ii) the Subcommittee on Housing  
22                  and Community Opportunity of the Com-  
23                  mittee on Banking and Financial Services  
24                  of the House of Representatives;

1                   “(iii) organizations representing  
2 States, metropolitan cities and urban coun-  
3 ties;

4                   “(iv) organizations representing rural  
5 communities;

6                   “(v) organizations representing veter-  
7 ans;

8                   “(vi) organizations representing per-  
9 sons with disabilities;

10                   “(vii) members of the academic com-  
11 munity; and

12                   “(viii) national homelessness advocacy  
13 groups; and

14                   “(C) estimate the amount of funds that  
15 will be received annually by each entitlement  
16 community and nonentitlement area under each  
17 such alternative allocation system and compare  
18 such amounts to the amount of funds received  
19 by each entitlement community and nonentitle-  
20 ment area in prior years under this section.

21                   “(6) MINIMUM ALLOCATION AMOUNTS.—

22                   “(A) IN GENERAL.—

23                   “(i) METROPOLITAN CITIES AND  
24 URBAN COUNTIES.—Notwithstanding para-  
25 graph (3), if for any fiscal year, the alloca-

1           tion under subtitle C for a metropolitan  
2           city or urban county is less than 0.05 per-  
3           cent of the amounts available for such use,  
4           such metropolitan city or urban county  
5           shall not receive a grant and its allocation  
6           shall be added to the allocation for the  
7           State in which such metropolitan city or  
8           urban county is located, except that any  
9           such metropolitan city or urban county  
10          that received a grant under this title in a  
11          previous fiscal year shall be allocated an  
12          amount equal to 0.05 percent of the  
13          amounts appropriated for such use.

14               “(ii) STATES.—Notwithstanding para-  
15               graph (3), if in any fiscal year the alloca-  
16               tion under subtitle C for a State is less  
17               than \$2,000,000, the allocation for that  
18               State shall be increased to \$2,000,000 and  
19               the increase shall be provided by deducting  
20               pro rata amounts from the allocations  
21               under such subtitle of States with alloca-  
22               tions of more than \$2,000,000.

23               “(B) GRADUATED MINIMUM GRANT ALLO-  
24               CATIONS.—Notwithstanding subparagraph (A)  
25               of this paragraph and notwithstanding para-

1 graph (3), a State, metropolitan city, or urban  
2 county shall receive no less funding under this  
3 subsection in the first full fiscal year after the  
4 date of the enactment of the Homeless Housing  
5 Programs Consolidation and Flexibility Act  
6 than 90 percent of the average of the amounts  
7 awarded annually to that jurisdiction for home-  
8 less assistance programs administered by the  
9 Secretary (not including allocations for shelter  
10 plus care and single room occupancy programs  
11 as defined in, and in effect pursuant to, this  
12 Act prior to the date of the enactment of the  
13 Homeless Housing Programs Consolidation and  
14 Flexibility Act) under this title during fiscal  
15 years 1995 through 1999, no less than 85 per-  
16 cent in the second full fiscal year after the date  
17 of the enactment of the Homeless Housing Pro-  
18 grams Consolidation and Flexibility Act, no less  
19 than 80 percent in the third and fourth full fis-  
20 cal years after the date of the enactment of the  
21 Homeless Housing Programs Consolidation and  
22 Flexibility Act, and no less than 75 percent in  
23 the fifth full fiscal year after the date of the en-  
24 actment of the Homeless Housing Programs  
25 Consolidation and Flexibility Act, but only if

1           the amount appropriated pursuant to section  
2           435 in each such fiscal year exceeds  
3           \$800,000,000. If that amount does not exceed  
4           \$800,000,000 in any fiscal year referred to in  
5           the first sentence of this paragraph, the juris-  
6           diction may receive its proportionate share of  
7           the amount appropriated which may be less  
8           than the amount stated in such sentence for  
9           such fiscal year.

10           “(7) REDUCTION.—Notwithstanding para-  
11           graphs (1) through (6), in any fiscal year, the Sec-  
12           retary may provide a grant under this subsection for  
13           a State, metropolitan city, or urban county, in an  
14           amount less than the amount allocated under those  
15           paragraphs, if the Secretary determines that the ju-  
16           risdiction has failed to comply with requirements of  
17           this title, or that such action is otherwise appro-  
18           priate.

19           “(d) RECAPTURE OF ALLOCATED AMOUNTS.—The  
20           Secretary shall recapture the following amounts:

21           “(1) UNUSED AMOUNTS.—Not less than once  
22           during each fiscal year, the Secretary shall recapture  
23           any amounts allocated under this section that—

24                   “(A) are allocated for a State, metropoli-  
25                   tan city or urban county, or insular area, but

1 not provided to an eligible grantee for the juris-  
2 diction because of failure to apply for a grant  
3 under this title or failure to comply with the re-  
4 quirements of this title;

5 “(B) were provided to a grantee and (i) re-  
6 captured under this title, or (ii) not utilized by  
7 the grantee in accordance with the purposes  
8 and objectives of the approved application of  
9 the grantee within a reasonable time period,  
10 which the Secretary shall establish; or

11 “(C) are returned to the Secretary by the  
12 time of such reallocation.

13 “(2) AMOUNTS ALLOCATED TO GRANTEES THAT  
14 FAIL TO COMPLY WITH COMPREHENSIVE HOUSING  
15 AFFORDABILITY STRATEGY REQUIREMENTS.—Not-  
16 withstanding paragraph (1), if, for any fiscal year,  
17 a metropolitan city or urban county fails to comply  
18 with the requirement under section 405(1) during  
19 the 90-day period beginning on the date that  
20 amounts for grants under this title for such fiscal  
21 year first become available for allocation, the  
22 amounts that would have been allocated under sub-  
23 section (e) of this section for such city or county  
24 shall be reallocated for the State in which the unit  
25 is located, but only if the State has complied with

1 the requirement under section 405(1). Any amounts  
2 that cannot be allocated for a State under the pre-  
3 ceding sentence shall be reallocated for other metro-  
4 politan cities and urban counties and States that  
5 comply with such requirement and demonstrate ex-  
6 traordinary need or large numbers of homeless per-  
7 sons, as determined by the Secretary.

8 “(e) REALLOCATION OF AMOUNTS.—Any amounts  
9 allocated under subsection (b) that are recaptured pursu-  
10 ant to subsection (d)(1) shall be reallocated only for use  
11 under subtitle B. Any amounts allocated under subsection  
12 (c) that are recaptured pursuant to subsection (d)(1) shall  
13 be reallocated to the State in which the unit is located  
14 in cases where the city or urban county fails to comply  
15 with the comprehensive housing affordability strategy,  
16 pursuant to the procedure described in subsection (d)(2)  
17 and only for use under subtitle C.

18 “(f) TECHNICAL ASSISTANCE ACTIVITIES.—Of  
19 amounts made available under this title, the Secretary  
20 shall use 0.75 percent to fund technical assistance activi-  
21 ties. Such funds shall be allocated according to a national  
22 competition administered by the Secretary.

23 **“SEC. 407. MATCHING FUNDS REQUIREMENT.**

24 “(a) IN GENERAL.—Each State, metropolitan city or  
25 urban county, and insular area for which a grant under

1 this title is made shall supplement the amount of the grant  
2 provided under this title with an amount that is not less  
3 than—

4           “(1) 50 percent of the amount of such grant,  
5 if the State, metropolitan city or urban county, and  
6 insular area has indicated in its application for such  
7 grant that it will not include as a portion of its sup-  
8 plementation the cost or value of donated services;  
9 or

10           “(2) 100 percent of the grant amount, if the  
11 State, metropolitan city, urban county, or insular  
12 area indicated in its application for such grant that  
13 it will include as a portion of its supplementation the  
14 cost or value of donated services.

15           “(b) MATCHING REQUIREMENT FOR USE OF MORE  
16 THAN 35 PERCENT OF FUNDS FOR SUPPORTIVE SERV-  
17 ICES.—In addition to the supplemental funds required  
18 pursuant to subsection (a), for the second full fiscal year  
19 after the date of the enactment of the Homeless Housing  
20 Programs Consolidation and Flexibility Act and each fis-  
21 cal year thereafter, a State, metropolitan city, or urban  
22 county shall supplement the grant funds for the State,  
23 metropolitan city, or urban county in an amount equal to  
24 the amount used by that State, metropolitan city, or urban  
25 county for supportive services in a fiscal year that exceeds

1 35 percent of the total grant amount for the State, metro-  
2 politan city, or urban county for that fiscal year.

3 “(c) TREATMENT OF INDEPENDENT STATE OR  
4 LOCAL GOVERNMENT FUNDS.—Any State or local govern-  
5 ment funds used independently from the program under  
6 this title, or designated for such use, to assist the homeless  
7 by carrying out activities that would be eligible for assist-  
8 ance under this subtitle may be counted toward the  
9 amount required pursuant to subsection (a).

10 “(d) AUTHORITY FOR GRANTEES TO REQUIRE SUP-  
11 PLEMENTATION.—

12 “(1) IN GENERAL.—Each grantee under this  
13 title may require any subgrantee or project sponsor  
14 to whom it provides such grant amounts to provide  
15 supplemental amounts required under subsections  
16 (a) and (b) with an amount of funds from sources  
17 other than this title.

18 “(2) AMOUNT ALLOWED TO BE REQUIRED BY  
19 GRANTEE.—

20 “(A) GRANT AMOUNT.—Except as pro-  
21 vided in paragraph (3), a grantee may not re-  
22 quire any subgrantee or project sponsor to  
23 whom it provides such grant amounts under  
24 this title to provide—

1                   “(i) supplemental amounts required  
2                   under subsection (a)(1) in an amount ex-  
3                   ceeding 25 percent of the grant amount  
4                   provided to the subgrantee or project spon-  
5                   sor;

6                   “(ii) supplemental amounts required  
7                   under subsection (a)(2) in an amount ex-  
8                   ceeding 50 percent of the grant amount  
9                   provided to the subgrantee or project spon-  
10                  sor; or

11                  “(iii) any matching funds if the grant  
12                  amount is less than \$100,000.

13                  “(B) SUPPORTIVE SERVICES.—A grantee  
14                  may require any subgrantee or project sponsor  
15                  to whom it provides grant amounts under this  
16                  title to provide supplemental amounts required  
17                  under subsection (b) in an amount equal to the  
18                  amount used by subgrantee or project sponsor  
19                  for supportive services in a fiscal year that ex-  
20                  ceeds 35 percent of the total amount allocated  
21                  pursuant to this subsection for that fiscal year.

22                  “(3) SUPPLEMENTAL FUNDS MAY BE CONSID-  
23                  ERED AS MATCHING FUNDS.—Supplemental  
24                  amounts provided by a subgrantee or project sponsor  
25                  pursuant to this subsection may be considered sup-

1 supplemental amounts for purposes of compliance by  
2 any grantee with the requirement under subsections  
3 (a) and (b).

4 “(e) USE OF FUNDS.—Any supplemental funds made  
5 available in compliance with this section shall be available  
6 only to carry out eligible activities under subtitle B or sub-  
7 title C.

8 “(f) SUPPLEMENTAL FUNDS.—In determining the  
9 amount of supplemental funds provided in accordance with  
10 this section, the following amounts may be included:

11 “(1) Cash.

12 “(2) The value of any donated or purchased  
13 material or building.

14 “(3) The value of any lease on a building.

15 “(4) The proceeds from bond financing validly  
16 issued by a State or unit of general local govern-  
17 ment, agency, or instrumentality thereof, and repay-  
18 able with revenues derived from the activity assisted  
19 under this title.

20 “(5) The amount of any salary paid to staff to  
21 carry out a program for eligible activities under sub-  
22 title B or C.

23 “(6) The cost or value of any donated goods.

24 “(7) The value of taxes, fees, or other charges  
25 that are normally and customarily imposed, but

1 which are waived or foregone to assist in providing  
2 housing or services for the homeless.

3 “(8) The cost of on-site and off-site infrastruc-  
4 ture that is directly related to and necessary for pro-  
5 viding housing or services for the homeless.

6 “(9) The cost or value of any donated services,  
7 but only if the State, metropolitan city, urban coun-  
8 ty, or insular area has stated in its application for  
9 a grant under this title that it shall supplement the  
10 amount of such grant, in accordance with subsection  
11 (a)(2).

12 “(g) REDUCTION IN MATCHING REQUIREMENTS.—If  
13 a jurisdiction certifies to the Secretary that it is in fiscal  
14 distress (as defined in section 220(d)(2) of the Cranston-  
15 Gonzalez National Affordable Housing Act) for a fiscal  
16 year, the Secretary shall apply the matching requirement  
17 under subsection (a) to such jurisdiction for such fiscal  
18 year by reducing such percentage under subsection (a) to  
19 the same extent, in the same manner, and according to  
20 the same criteria as matching requirements are reduced  
21 under section 220(d) of the Cranston-Gonzalez National  
22 Affordable Housing Act.

23 **“SEC. 408. PROGRAM REQUIREMENTS.**

24 “(a) APPLICATIONS.—

25 “(1) FORM AND PROCEDURE.—

1           “(A) IN GENERAL.—Except as provided by  
2           subparagraph (B), the Secretary shall make a  
3           grant under this title only pursuant to an appli-  
4           cation for a grant submitted by an eligible  
5           grantee in the form required by this section and  
6           in accordance with such other factors and pro-  
7           cedures as the Secretary determines to be ap-  
8           propriate. The Secretary may not give pref-  
9           erence or priority to any application on the  
10          basis that the application was submitted by any  
11          particular type of eligible grantee.

12          “(B) EXCEPTION.—If an eligible grantee  
13          or Indian tribe does not apply for a grant under  
14          this title or does not receive a grant under this  
15          title because of a failure to meet the application  
16          requirements of this section, the Secretary may  
17          provide a grant to an agency or organization  
18          which has demonstrated experience in providing  
19          assistance to homeless persons within the juris-  
20          diction of the eligible grantee or Indian tribe.  
21          Such an agency or organization shall use the  
22          grant in accordance with this title on behalf of  
23          the eligible grantee or Indian tribe. The Sec-  
24          retary shall consult with the eligible grantee for

1 not less than 120 days before making any such  
2 grant.

3 “(2) CONTENTS.—The Secretary shall require  
4 that applications contain at a minimum the following  
5 information:

6 “(A) GRANTS FOR PERMANENT HOUSING  
7 DEVELOPMENT ACTIVITIES.—In the case of an  
8 application for a grant available for use for ac-  
9 tivities under subtitle B or an application for a  
10 grant available for use under subtitle C for per-  
11 manent housing development assistance—

12 “(i) a description of the permanent  
13 housing development activities to be as-  
14 sisted;

15 “(ii) a description of the entities that  
16 will carry out such activities and the pro-  
17 grams for carrying out such activities; and

18 “(iii) assurances satisfactory to the  
19 Secretary that the facility will comply with  
20 the requirement under subsection (j).

21 “(B) FLEXIBLE BLOCK GRANT HOMELESS  
22 ASSISTANCE.—In the case of an application for  
23 a grant available for use for activities under  
24 subtitle C—

1           “(i) a description of the eligible activi-  
2 ties to be assisted, to the extent available  
3 at the time;

4           “(ii) in the case of a grant for a facil-  
5 ity assisted under paragraph (1) or (2) of  
6 section 421(a), assurances satisfactory to  
7 the Secretary that the facility will comply  
8 with the requirement under subsection (j);

9           “(iii) in the case of a grant for a sup-  
10 portive housing facility assisted under this  
11 title that does not receive assistance under  
12 paragraph (1) or (2) of section 421(a), an-  
13 nual assurances during the period specified  
14 in the application that the facility will be  
15 operated for the purpose specified in the  
16 application for such period; and

17           “(iv) in the case of a grant for a sup-  
18 portive housing facility, reasonable assur-  
19 ances that the project sponsor will own or  
20 have control of a site not later than the ex-  
21 piration of the 12-month period beginning  
22 upon notification of an award of grant as-  
23 sistance, unless the application proposes  
24 providing supportive housing assisted  
25 under section 421(a)(3) or housing that

1 will eventually be owned or controlled by  
2 the families and individuals served; except  
3 that a project sponsor may obtain owner-  
4 ship or control of a suitable site different  
5 from the site specified in the application.

6 “(C) ALL GRANTS.—In the case of an ap-  
7 plication for any grant under this title—

8 “(i) a description of the size and char-  
9 acteristics of the population, including spe-  
10 cific references to populations with special  
11 needs, that will be served by the eligible  
12 activities assisted with grant amounts;

13 “(ii) a description of the Federal,  
14 State, local, and private resources that are  
15 expected to be made available in connec-  
16 tion with grant amounts provided and, not-  
17 withstanding the requirements of section  
18 407, this description shall also identify the  
19 federally funded activities for the homeless  
20 (as defined in subsection (m)(4)) that will  
21 be provided in conjunction with the specific  
22 program or project for which the grant is  
23 requested under this title;

24 “(iii) a description of the process to  
25 be used in compliance with section 404(b)

1 to select eligible activities to be assisted  
2 and project sponsors;

3 “(iv) a certification that the applicant  
4 will comply with the requirements of the  
5 Fair Housing Act, title VI of the Civil  
6 Rights Act of 1964, section 504 of the Re-  
7 habilitation Act of 1973, and the Age Dis-  
8 crimination Act of 1975, and will affirma-  
9 tively further fair housing; and

10 “(v) a statement of whether the appli-  
11 cant will or will not include, as a portion  
12 of its supplementation amount required  
13 under section 407(a), the cost or value of  
14 donated services.

15 “(b) REQUIRED AGREEMENTS.—The Secretary may  
16 not provide a grant under this title for any applicant un-  
17 less the applicant agrees—

18 “(1) to ensure that the eligible activities carried  
19 out with grant amounts will be implemented in ac-  
20 cordance with the provisions of this title;

21 “(2) to conduct an ongoing assessment of the  
22 supportive services required by homeless persons as-  
23 sisted by the eligible activities and the availability of  
24 such services to such persons;

1           “(3) in the case of grant amounts to be used  
2           under subtitle C for a supportive housing facility or  
3           an emergency shelter, to ensure the provision of  
4           such residential supervision as the Secretary deter-  
5           mines is necessary to facilitate the adequate provi-  
6           sion of supportive services to the residents and users  
7           of the facility or shelter;

8           “(4) to monitor and report under section 431 to  
9           the Secretary on the progress of the eligible activi-  
10          ties carried out with grant amounts;

11          “(5) to develop and implement procedures to  
12          ensure—

13                 “(A) the confidentiality of records pertain-  
14                 ing to any individual provided family violence  
15                 prevention or treatment services through any  
16                 activities assisted with grant amounts; and

17                 “(B) that the address or location of any  
18                 family violence shelter facility assisted with  
19                 grant amounts will not be made public, except  
20                 with written authorization of the person or per-  
21                 sons responsible for the operation of such facil-  
22                 ity;

23          “(6) to develop and implement, to the maxi-  
24          mum extent practicable and where appropriate, poli-  
25          cies and protocols for the discharge of persons from

1 publicly funded institutions or systems of care (such  
2 as health care facilities, foster care or other youth  
3 facilities, or correction programs and institutions) in  
4 order to prevent such discharge from immediately  
5 resulting in homelessness for such persons;

6 “(7) to the maximum extent practicable, to in-  
7 volve homeless persons and families, through em-  
8 ployment, volunteer services, or otherwise, in carry-  
9 ing out eligible activities assisted with grant  
10 amounts;

11 “(8) in the case of a grant under subtitle C, to  
12 provide the following in addressing the needs of  
13 homeless persons (unless the Secretary determines  
14 that such needs are being met comprehensively oth-  
15 erwise):

16 “(A) A system of outreach and assessment.

17 “(B) Emergency shelters with appropriate  
18 support services.

19 “(C) Transitional housing with appropriate  
20 support services.

21 “(D) Permanent and supportive housing;  
22 and

23 “(9) to comply with such other terms and con-  
24 ditions as the Secretary may establish to carry out  
25 this title in an effective and efficient manner.

1           “(c) OCCUPANCY CHARGE.—Any homeless person or  
2 family residing in a dwelling unit assisted under this title  
3 may be required to pay an occupancy charge in an amount  
4 determined by the grantee providing the assistance, which  
5 may not exceed an amount equal to 30 percent of the ad-  
6 justed income (as such term is defined in section 3(b) of  
7 the United States Housing Act of 1937 or any other sub-  
8 sequent provision of Federal law defining such term for  
9 purposes of eligibility for, or rental charges in, public  
10 housing) of the person or family. Occupancy charges paid  
11 may be reserved, in whole or in part, to assist residents  
12 in moving to permanent housing.

13           “(d) FLOOD PROTECTION STANDARDS.—Flood pro-  
14 tection standards applicable to housing acquired, rehabili-  
15 tated, constructed, or assisted with grant amounts pro-  
16 vided under this title shall be no more restrictive than the  
17 standards applicable under Executive Order No. 11988  
18 (42 U.S.C. 4321 note; relating to floodplain management)  
19 to the other programs in effect under this title imme-  
20 diately before the enactment of the Homeless Housing  
21 Programs Consolidation and Flexibility Act.

22           “(e) PARTICIPATION OF CITIZENS AND OTHERS.

23                   “(1) IN GENERAL.—Each grantee shall—

24                           “(A) each fiscal year, make available to its  
25 citizens, public agencies, and other interested

1 parties information concerning the amount of  
2 assistance the jurisdiction expects to receive  
3 and the range of activities that may be under-  
4 taken with the assistance;

5 “(B) publish the proposed application in a  
6 manner that, in the determination of the Sec-  
7 retary, affords affected citizens, public agencies,  
8 and other interested parties a reasonable oppor-  
9 tunity to examine its content and to submit  
10 comments on it;

11 “(C) each fiscal year, hold 1 or more pub-  
12 lic hearings to obtain the views of citizens, pub-  
13 lic agencies, and other interested parties on the  
14 housing needs of the jurisdiction; and

15 “(D) provide citizens, public agencies, and  
16 other interested parties with reasonable access  
17 to records regarding any uses of any assistance  
18 the grantee may have received under this sub-  
19 title during the preceding 5 years.

20 “(2) ELECTRONIC ACCESS.—A grantee may  
21 comply with the requirement under subparagraphs  
22 (A), (B), and (D) of paragraph (1) by making the  
23 information available through interactive computer  
24 or telephone services or other electronic information

1 networks and systems appropriate for making such  
2 information widely available to the public.

3 “(3) NOTICE AND COMMENT.—Before submit-  
4 ting any substantial amendment to an application  
5 under this Act, a grantee shall provide citizens with  
6 reasonable notice of, and opportunity to comment  
7 on, the amendment.

8 “(4) CONSIDERATION OF COMMENTS.—A grant-  
9 ee shall consider any comments or views of citizens  
10 in preparing a final application or amendment to an  
11 application for submission. A summary of such com-  
12 ments or views shall be attached when an application  
13 or amendment to an application is submitted. The  
14 submitted application or amendment shall be made  
15 available to the public.

16 “(5) AUTHORITY OF SECRETARY.—The Sec-  
17 retary shall establish procedures appropriate and  
18 practicable for providing a fair hearing and timely  
19 resolution of citizen complaints related to applica-  
20 tions under this subtitle.

21 “(6) HOMELESS INDIVIDUALS.—The Secretary  
22 shall, by regulation, require each grantee to ensure  
23 that each project sponsor assisted by the grantee  
24 provides for the participation of not less than 1  
25 homeless person or former homeless person on the

1 board of directors or other equivalent policymaking  
2 entity of the project sponsor, to the extent that such  
3 sponsor considers and makes policies and decisions  
4 regarding any activity, facility, supportive services,  
5 or assistance provided with grant amounts under  
6 this title. The Secretary shall provide that a grantee  
7 may grant waivers to project sponsors unable to  
8 meet the requirement under the preceding sentence  
9 if the sponsor agrees to otherwise consult with  
10 homeless or formerly homeless persons in consider-  
11 ing and making such policies and decisions.

12 “(f) LIMITATION ON USE OF FUNDS.—No grant  
13 amounts received under this title (or any funds provided  
14 under section 407 or otherwise to supplement such grants)  
15 may be used to replace other State or local funds pre-  
16 viously used, or designated for use, to assist homeless per-  
17 sons.

18 “(g) LIMITATION ON ADMINISTRATIVE EXPENSES.—  
19 Notwithstanding any other provision of this title, of any  
20 grant amounts under this title used to carry out eligible  
21 activities, the grantee or the project sponsor may use for  
22 administrative purposes—

23 “(1) an amount not exceeding 5 percent of such  
24 grant amount but at least half of the administrative

1 allocation must be made from the applicant entity to  
2 the project sponsor; or

3 “(2) if the grantee implements use of a stand-  
4 ardzied homeless database management system to  
5 record and assess data on the usage of homeless  
6 housing, services, and client needs, and on the num-  
7 ber of and other information related to populations  
8 with special needs, an amount not exceeding 7.5 per-  
9 cent of such grant amount.

10 For the purposes of paragraph (2), a grantee may select  
11 any standardized homeless database management system  
12 that meets or exceeds output requirements approved by  
13 the Secretary.

14 “(h) HOUSING QUALITY.—

15 “(1) REQUIREMENT.—Assistance may not be  
16 provided with grant amounts made available for use  
17 under this title for any permanent housing develop-  
18 ment, dwelling unit, supportive housing facility, or  
19 emergency shelter that fails to comply with the hous-  
20 ing quality standards applicable under paragraph (2)  
21 in the jurisdiction in which the housing is located,  
22 unless the deficiency is promptly corrected and the  
23 project sponsor verifies the correction.

24 “(2) APPLICABLE STANDARDS.—The housing  
25 quality standards applicable under this subsection to

1 any permanent housing, dwelling unit, supportive  
2 housing facility, or emergency shelter shall be—

3 “(A) in the case of permanent housing, a  
4 unit, facility, or shelter located in a jurisdiction  
5 which has in effect laws, regulations, standards,  
6 or codes regarding habitability of such housing,  
7 units, facilities, or shelters that provide protec-  
8 tion to residents of the dwellings that is equal  
9 to or greater than the protection provided under  
10 the housing quality standards established under  
11 paragraph (3), such applicable laws, regula-  
12 tions, standards, or codes; or

13 “(B) in the case of permanent housing, a  
14 unit, facility, or shelter located in a jurisdiction  
15 which does not have in effect laws, regulations,  
16 standards, or codes described in subparagraph  
17 (A), the housing quality standards established  
18 under paragraph (3).

19 “(3) FEDERAL HOUSING QUALITY STAND-  
20 ARDS.—The Secretary shall establish housing quality  
21 standards under this paragraph that ensure that  
22 permanent housing, dwelling units, supportive hous-  
23 ing facilities, and emergency shelters assisted under  
24 this title are safe, clean, and healthy. Such stand-  
25 ards shall include requirements relating to habit-

1 ability, including maintenance, health and sanitation  
2 factors, condition, and construction of dwellings. The  
3 Secretary shall differentiate between major and  
4 minor violations of such standards and may estab-  
5 lish separate standards for permanent housing,  
6 dwelling units, supportive housing facilities, and  
7 emergency shelters.

8 “(i) TERMINATION OF ASSISTANCE.—If a person or  
9 family (not including residents of an emergency shelter)  
10 who receives assistance under this title violates program  
11 requirements, the project sponsor may terminate assist-  
12 ance in accordance with a formal process established by  
13 such sponsor that recognizes the rights of individuals re-  
14 ceiving such assistance to due process of law, which may  
15 include a hearing.

16 “(j) USE RESTRICTIONS.—

17 “(1) ACQUISITION, REHABILITATION, AND NEW  
18 CONSTRUCTION.—

19 “(A) IN GENERAL.—Except as provided in  
20 subparagraph (B), each housing facility assisted  
21 under subtitle B or subtitle C shall be operated  
22 as housing for the purpose specified in the ap-  
23 plication for assistance with amounts under this  
24 title for not less than 20 years after such facil-

1           ity is initially placed in service pursuant to such  
2           assistance.

3           “(B) EXCEPTIONS.—

4                   “(i) INABILITY TO OPERATE FACIL-  
5                   ITY.—If, within such 20-year period, the  
6                   need for maintaining the facility as hous-  
7                   ing for the purpose specified in the appli-  
8                   cation for assistance ceases to exist (as de-  
9                   termined by the Secretary pursuant to a  
10                  recommendation by the chief executive offi-  
11                  cer of the appropriate unit of general local  
12                  government or project sponsor, taking into  
13                  consideration the comprehensive housing  
14                  affordability strategy of the jurisdiction),  
15                  or the project sponsor is unable to operate  
16                  the facility as supportive housing, the facil-  
17                  ity may be used as affordable housing (in  
18                  accordance with section 215 of the Cran-  
19                  ston-Gonzalez National Affordable Housing  
20                  Act).

21                   “(ii) APPLICABILITY OF OTHER PRO-  
22                   GRAM RESTRICTION.—If the housing facil-  
23                   ity receives assistance under any other  
24                   Federal program (including assistance  
25                   under section 42 of the Internal Revenue

1 Code of 1986) for low-income families,  
2 homeless persons, or any other use consist-  
3 ent with assistance under this title, and  
4 the use restriction under such program is  
5 less than 20 years, the restriction under  
6 such program shall apply.

7 “(2) OTHER ASSISTANCE.—Each housing facil-  
8 ity assisted under subtitle C shall be operated for  
9 the purposes specified in the application for assist-  
10 ance with amounts under this title for the duration  
11 of the period covered by the grant.

12 “(3) CONVERSION.—Notwithstanding para-  
13 graphs (1) and (2), if the Secretary determines that  
14 a housing facility is no longer needed for use as  
15 housing for the purposes specified in the application  
16 for assistance and approves the use of the facility  
17 for the direct benefit of low-income persons pursuant  
18 to a request for such use by the project sponsor, the  
19 Secretary may authorize the sponsor to convert the  
20 facility to such use.

21 “(k) REPAYMENT OF ASSISTANCE AND PREVENTION  
22 OF UNDUE BENEFITS.—

23 “(1) REPAYMENT.—If a facility assisted under  
24 subtitle B or subtitle C violates the requirement  
25 under subsection (j)(1)(A) or (j)(1)(B)(ii) of this

1 section during the 10-year period beginning upon  
2 placement of the facility in service pursuant to such  
3 assistance, the Secretary shall require the grantee to  
4 repay to the Secretary 100 percent of any grant  
5 amounts received for such facility under such para-  
6 graph. If such a facility violates such requirement  
7 after such 10-year period, the Secretary shall require  
8 the grantee to repay the percentage of any grant  
9 amounts received for such facility that is equal to  
10 100 percent minus 10 percent for each year in ex-  
11 cess of 10 years that the facility is operated as sup-  
12 portive housing.

13 “(2) PREVENTION OF UNDUE BENEFITS.—Ex-  
14 cept as provided in paragraph (3), upon any sale or  
15 other disposition of a facility assisted under subtitle  
16 B or C occurring before the expiration of the 20-  
17 year period beginning on the date that the facility  
18 is placed in service, the project sponsor shall comply  
19 with such terms and conditions as the Secretary may  
20 prescribe to prevent the sponsor from unduly bene-  
21 fitting from such sale or disposition.

22 “(3) EXCEPTION.—Paragraphs (1) and (2)  
23 shall not apply to any sale or disposition of a facility  
24 that results in the use of the facility for the direct  
25 benefit of very low-income families if all of the pro-

1 ceeds are used to provide housing meeting the re-  
2 quirements of subtitle B or C.

3 “(4) FAILURE TO OBTAIN SITE.—If a grantee  
4 of assistance made available for use under this title  
5 obligates assistance for a housing facility other than  
6 a facility under section 421(a)(3) or housing that  
7 will eventually be owned or controlled by the families  
8 and individuals served, and the project sponsor fails  
9 to obtain ownership or control of a suitable site for  
10 a proposed supportive housing facility during the 12-  
11 month period beginning upon the notification of an  
12 award of grant assistance, the grantee shall recap-  
13 ture the assistance and make such assistance avail-  
14 able under this subtitle.

15 “(l) LOCAL BOARDS.—

16 “(1) ESTABLISHMENT AND FUNCTION.—The  
17 head of the executive branch of government of each  
18 grantee shall establish and appoint members to a  
19 local board, which shall assist the jurisdiction in—

20 “(A) determining whether the grant should  
21 be administered by the jurisdiction, a public  
22 agency, a private nonprofit organization, the  
23 State, or the Secretary;

24 “(B) developing the application under sec-  
25 tion 408;

1           “(C) overseeing the activities carried out  
2 with assistance under this title; and

3           “(D) preparing the performance report  
4 under section 431.

5           “(2) COMPOSITION OF LOCAL BOARDS.—

6           “(A) NOMINATION.—Members of a local  
7 board appointed to meet the requirements of  
8 subparagraph (D) shall be nominated by per-  
9 sons, other than governmental officials or enti-  
10 ties, that represent the groups listed in sub-  
11 paragraph (D).

12           “(B) PRIORITY.—Persons who will improve  
13 access to a broad range of services for homeless  
14 persons and who are sensitive to the varying  
15 needs of homeless persons, including veterans,  
16 the mentally ill, families with children, young  
17 persons, battered spouses, victims of substance  
18 abuse, and persons with AIDS, shall be given  
19 preference when selecting local board members.

20           “(C) COMMUNITY SUPPORT CONSID-  
21 ERED.—In appointing members to the local  
22 board, the chief executive of each grantee shall  
23 consider the extent of support for the nominee  
24 in the community which the board shall serve.

1           “(D) MAJORITY.—Not less than 51 per-  
2           cent of the members of a local board shall be  
3           composed of—

4                   “(i) homeless or formerly homeless  
5                   persons;

6                   “(ii) persons who act as advocates for  
7                   homeless persons; and

8                   “(iii) persons who provide assistance  
9                   to homeless persons, including representa-  
10                  tives of local veterans organizations and  
11                  veteran service providers who assist home-  
12                  less veterans.

13           “(E) OTHER LOCAL BOARD MEMBERS.—  
14           After the requirements of subparagraph (D) are  
15           met, other members of a local board shall be  
16           chosen from—

17                   “(i) members of the business commu-  
18                   nity of the jurisdiction receiving the grant;

19                   “(ii) members of neighborhood advo-  
20                   cacy organizations in the jurisdiction re-  
21                   ceiving the grant; and

22                   “(iii) government officials of the juris-  
23                   diction receiving the grant.

24           “(3) EXISTING LOCAL BOARDS.—Unless the  
25           Secretary determines otherwise, an existing local

1 board shall be deemed to substantially meet the re-  
2 quirements of this subsection.

3 “(m) COORDINATION OF HOMELESS PROGRAMS.—

4 “(1) PURPOSE.—The purpose of the consulta-  
5 tion and coordination required under this subsection  
6 is to provide various services, activities, and assist-  
7 ance for homeless persons and families in an effi-  
8 cient, effective, and targeted manner designed to  
9 meet the comprehensive needs of the homeless.

10 “(2) IN GENERAL.—The Chairperson of the  
11 Interagency Council on the Homeless shall consult  
12 and coordinate with the Secretary of Housing and  
13 Urban Development, the Secretary of Health and  
14 Human Services, the Secretary of Labor, the Sec-  
15 retary of Education, the Commissioner of Social Se-  
16 curity, the Secretary of Veterans Affairs, and the  
17 Secretary of Agriculture and shall ensure that as-  
18 sistance for federally funded activities for the home-  
19 less is made available, to the greatest extent prac-  
20 ticable, in conjunction and coordination with assist-  
21 ance for other federally funded activities for the  
22 homeless and with assistance under this title.

23 “(3) REQUIREMENTS FOR HOUSING ASSIST-  
24 ANCE.—The Secretary shall establish such require-  
25 ments as the Secretary considers necessary to ensure

1 that grant amounts provided under this title are  
2 used by grantees and project sponsors, to the great-  
3 est extent practicable, in coordination and in con-  
4 junction with federally funded activities for the  
5 homeless.

6 “(4) DEFINITION.—For purposes of this sub-  
7 section, the term ‘federally funded activities for the  
8 homeless’ means activities to assist homeless per-  
9 sons, including homeless veterans, or homeless fami-  
10 lies that are funded (in whole or in part) with  
11 amounts provided by the Federal Government (other  
12 than amounts provided under this title) and  
13 includes—

14 “(A) programs administered by the De-  
15 partments of Agriculture, Health and Human  
16 Services, Housing and Urban Development,  
17 Labor, and Veterans Affairs;

18 “(B) programs administered by the Fed-  
19 eral Emergency Management Agency and the  
20 Social Security Administration; and

21 “(C) such other programs as identified by  
22 the Interagency Council pursuant to paragraph  
23 (6).

24 “(5) COMPANION SERVICES BLOCK GRANTS IN  
25 CASES OF FAILURE TO COMPLY.—

1           “(A) IN GENERAL.—If, for any fiscal year,  
2           the Chairperson of the Interagency Council on  
3           the Homeless determines that adequate coordi-  
4           nation has not taken place to ensure that as-  
5           sistance for federally funded activities for the  
6           homeless is made available in conjunction and  
7           coordination with assistance under this title (as  
8           required under paragraph (2)), the Chairperson  
9           of the Interagency Council on the Homeless and  
10          the Secretary, in consultation with the Inter-  
11          agency Council on the Homeless, shall carry out  
12          a program under subparagraph (B) to make  
13          companion services block grants available for  
14          such fiscal year.

15           “(B) COMPANION SERVICE BLOCK  
16          GRANTS.—The block grant program under this  
17          subparagraph shall provide block grants, using  
18          amounts available pursuant to subparagraph  
19          (C), to eligible grantees under this title to pro-  
20          vide services of the type available under the  
21          programs referred to in paragraph (4) in con-  
22          nection with housing assistance under this title.

23           “(C) FUNDING.—

24           “(i) IN GENERAL.—Notwithstanding  
25          any other provision of law, in any fiscal

1 year in which block grants are to be pro-  
2 vided in accordance with subparagraph  
3 (A), there shall be available for such block  
4 grants, of the amount made available for  
5 such fiscal year for each activity referred  
6 to in paragraph (4), 10 percent of such  
7 amount, as determined by the Secretary  
8 and the Interagency Council on the Home-  
9 less.

10 “(ii) LIMITATION.—Notwithstanding  
11 clause (i), the aggregate amount available  
12 for companion services block grants under  
13 this paragraph for a fiscal year shall not  
14 exceed the total amount made available  
15 pursuant to section 435 for housing assist-  
16 ance under this title. If, for any fiscal year,  
17 the amount determined under clause (i) ex-  
18 ceeds such amount, the Secretary shall re-  
19 duce the percentage under clause (i) for  
20 such year so that the aggregate amount  
21 made available for companion services  
22 block grants under this paragraph from  
23 the amounts for each activity referred to in  
24 paragraph (4) is equal to the total amount

1           made available pursuant to section 435 for  
2           housing assistance under this title.

3           “(D) TRANSFER AUTHORITY.—Except to  
4           the extent that the authority of the Secretary  
5           and the Chairperson of the Interagency Council  
6           on the Homeless is limited by appropriations,  
7           and with the concurrence of the head of the af-  
8           fected agency and upon advance approval of the  
9           Committees on Appropriations and the author-  
10          izing committees of the House of Representa-  
11          tives and the Senate, the Secretary and the  
12          Chairperson of the Interagency Council on the  
13          Homeless shall transfer funds made available  
14          under subparagraph (C) to the companion serv-  
15          ices block grant for federally funded activities,  
16          functions, or programs for the homeless.

17          “(E) REPORT.—Not later than the first  
18          quarter of the first full fiscal year after the  
19          date of the enactment of the Homeless Housing  
20          Programs Consolidation and Flexibility Act and  
21          each quarter thereafter, the Secretary and the  
22          Chairperson of the Interagency Council on the  
23          Homeless shall report to Congress on—

24                  “(i) the need for any reprogramming  
25                  or transfer of funds appropriated for feder-

1           ally funded activities, functions, or pro-  
2           grams for the homeless; and

3                   “(ii) any funds appropriated for feder-  
4           ally funded activities, functions, or pro-  
5           grams for the homeless that were repro-  
6           grammed or transferred during the quarter  
7           covered by the report.

8                   “(6) LIST OF FEDERALLY FUNDED ACTIVITIES  
9           FOR THE HOMELESS.—The Interagency Council  
10          shall, not later than 3 months after the date of the  
11          enactment of the Homeless Housing Programs Con-  
12          solidation and Flexibility Act, submit to Congress a  
13          list of federally funded activities for the homeless as  
14          defined in paragraph (4). The programs identified  
15          shall include, but are not limited to, programs iden-  
16          tified by the General Accounting Office in the Feb-  
17          ruary 1999 report to Congress entitled ‘Homeless-  
18          ness: Coordination and Evaluation of Programs are  
19          Essential’ (GAO/RCD–99–49).

20                   “(n) CONSULTATION REGARDING USE OF NATIONAL  
21          GUARD FACILITIES AS HOMELESS SHELTERS.—The Sec-  
22          retary may not provide a grant for a fiscal year from  
23          amounts for such year allocated under section 406(c) for  
24          use under subtitle C for a State unless the State has con-  
25          sulted with the Secretary regarding the possibility of mak-

1 ing any space at National Guard facilities under the juris-  
2 diction of the State available, during such fiscal year, for  
3 use by homeless organizations to provide shelter to home-  
4 less persons, but only at the times that such space is not  
5 actively being used for National Guard purposes or other  
6 public purposes already undertaken.

7 **“SEC. 409. SUPPORTIVE SERVICES.**

8       “(a) **REQUIREMENT.**—To the extent allowed by this  
9 title, each project sponsor administering permanent hous-  
10 ing development assistance provided with amounts under  
11 this title or a supportive housing facility or emergency  
12 shelter assisted with such amounts shall provide support-  
13 ive services for residents of the dwelling units or facility  
14 or shelter assisted. The array of supportive services pro-  
15 vided may be designed by the grantee or the project spon-  
16 sor administering the assistance, facility, or shelter. A  
17 project sponsor administering a supportive housing facility  
18 shall provide supportive services for other homeless per-  
19 sons using the facility.

20       “(b) **TARGETING POPULATIONS WITH SPECIAL**  
21 **NEEDS.**—Supportive services provided with grant  
22 amounts under this title shall address the special needs  
23 of homeless persons (such as homeless persons with  
24 disabilities, homeless persons with acquired immuno-  
25 deficiency syndrome and related diseases, homeless per-

1 sons who have chronic problems with alcohol or drugs (or  
2 both), veterans who are homeless, and homeless families  
3 with children) intended to be served.

4 “(c) SERVICES.—Supportive services may include ac-  
5 tivities such as—

6 “(1) establishing and operating a child care  
7 services program for homeless families;

8 “(2) establishing and operating an employment  
9 assistance program;

10 “(3) providing outpatient health services, food,  
11 and case management;

12 “(4) providing assistance in obtaining perma-  
13 nent housing, employment counseling, and nutri-  
14 tional counseling;

15 “(5) providing security arrangements necessary  
16 for the protection of residents of supportive housing  
17 or emergency shelters and for homeless persons  
18 using supportive housing facilities;

19 “(6) providing assistance in obtaining other  
20 Federal, State, and local assistance available for  
21 such residents and persons (including mental health  
22 benefits, employment counseling, and medical assist-  
23 ance, but not including major medical equipment);

24 “(7) employment assistance programs with an  
25 emphasis on on-the-job training programs which re-

1 sult in improved, long-term employability and in-  
2 creased earnings for homeless persons; and

3 “(8) providing other appropriate services.

4 “(d) PROVISION OF SERVICES.—Supportive services  
5 provided with grant amounts under this title may be pro-  
6 vided directly by the grantee, by the project sponsor ad-  
7 ministering the permanent housing development assist-  
8 ance or the facility or shelter, or by contract with other  
9 public or private service providers. Such services provided  
10 in connection with a supportive housing facility may be  
11 provided to homeless persons who do not reside in the sup-  
12 portive housing, but only to the extent consistent with the  
13 comprehensive housing affordability strategy under sec-  
14 tion 105 of the Cranston-Gonzalez National Affordable  
15 Housing Act for the applicable jurisdiction.

16 **“SEC. 410. NONDISCRIMINATION IN PROGRAMS AND AC-**  
17 **TIVITIES.**

18 “No person in the United States shall, on the basis  
19 of race, color, national origin, religion, or sex, be excluded  
20 from participation in, be denied the benefits of, or be sub-  
21 jected to discrimination under any program or activity  
22 funded in whole or in part with funds made available  
23 under this subtitle. Any prohibition against discrimination  
24 on the basis of age under the Age Discrimination Act of  
25 1975 or with respect to an otherwise qualified handi-

1 capped individual, as provided in section 504 of the Reha-  
2 bilitation Act of 1973, shall also apply to any such pro-  
3 gram or activity.

4 **“SEC. 410A. GRANT AMOUNTS TO GRANTEEES IN GEORGIA.**

5 “With regard to grant amounts awarded to grantees  
6 for use within Cobb County in the State of Georgia for  
7 fiscal year 1999 or before, the Secretary shall transfer  
8 such amounts directly to the grantee submitting the appli-  
9 cation for such grant.

10 **“Subtitle B—Permanent Housing**  
11 **Development Activities**

12 **“SEC. 411. USE OF AMOUNTS AND GENERAL REQUIRE-**  
13 **MENTS.**

14 “(a) USE OF AMOUNTS FOR PERMANENT HOUSING  
15 DEVELOPMENT.—

16 “(1) AUTHORIZED USE.—A State, metropolitan  
17 city, or urban county that receives a grant under  
18 section 402(b)(2) from amounts allocated for use  
19 under this subtitle may use grant amounts (and any  
20 supplemental amounts provided under section 407)  
21 only to carry out permanent housing development  
22 activities within such State, metropolitan city, or  
23 urban county. For purposes of this subtitle, the term  
24 ‘permanent housing development activities’ means  
25 activities to construct, rehabilitate, or acquire struc-

1       tures to provide permanent housing, including ten-  
2       ant-based and project-based flexible rental assist-  
3       ance, the capitalization of a dedicated project ac-  
4       count from which long-term assistance payments  
5       (which may include operating costs or rental assist-  
6       ance) can be made in order to facilitate such activi-  
7       ties, and activities under section 441 of this Act, as  
8       in effect on October 31, 1998 (subject to the limita-  
9       tion in section 406(b)(3) of this Act).

10           “(2) USE FOR SUPPORTIVE SERVICES PROHIB-  
11       ITED.—Amounts allocated for use under this subtitle  
12       may not be used for supportive services activities.

13           “(b) USE THROUGH NONPROFIT ORGANIZATIONS.—

14           “(1) IN GENERAL.—A grantee that receives  
15       grant amounts for a fiscal year for use under this  
16       subtitle may, pursuant to section 404, provide such  
17       amounts to units of general local government and  
18       private nonprofit organizations for use in accordance  
19       with this subtitle, except that the grantee shall en-  
20       sure that more than 50 percent of the amounts re-  
21       ceived by the grantee for the fiscal year are used  
22       through private nonprofit organizations.

23           “(2) WAIVER OF USE OF NONPROFIT REQUIRE-  
24       MENT.—The Secretary may waive the requirement  
25       under paragraph (1) that a grantee ensure that

1 more than 50 percent of the amounts received by the  
2 grantee for the fiscal year are used through private  
3 nonprofit organizations if the Secretary determines  
4 that there are not sufficient private nonprofit orga-  
5 nizations available to the grantee to meet that re-  
6 quirement.

7 “(3) DEFINITION OF PRIVATE NONPROFIT OR-  
8 GANIZATION.—For the purposes of this section, the  
9 term ‘private nonprofit organization’ includes limited  
10 partnerships in which the managing general partner  
11 is a private nonprofit organization.

12 “(c) ADMINISTRATIVE FEE.—To the extent provided  
13 in section 408(g), grant amounts provided under this sub-  
14 title may be used by the project sponsor providing such  
15 assistance for costs of administering such assistance.

16 “(d) TARGETING POPULATIONS WITH SPECIAL  
17 NEEDS.—To the maximum extent practicable, a grantee  
18 shall provide for use of grant amounts made available  
19 under this subtitle in a manner that provides permanent  
20 housing for homeless persons with disabilities, homeless  
21 persons with acquired immunodeficiency syndrome or re-  
22 lated diseases, homeless persons who have chronic prob-  
23 lems with alcohol or drugs (or both), homeless families  
24 with children, and veterans who are homeless.

1           “(e) INCENTIVES FOR ACTIVITIES IN LIMITED SUP-  
2 PLY HOUSING MARKETS.—The Secretary shall develop  
3 and implement a system to provide incentives for grantees  
4 under this title to engage in activities that increase perma-  
5 nent housing opportunities in areas where homelessness  
6 is significantly increased because of a shortage of available  
7 housing.

8 **“SEC. 412. PERMANENT HOUSING DEVELOPMENT.**

9           “(a) IN GENERAL.—Housing shall be considered per-  
10 manent housing for purposes of this title if the housing—

11                 “(1) provides long-term housing for homeless  
12 persons;

13                 “(2) complies with any applicable State and  
14 local housing codes, licensing requirements, or other  
15 requirement in the jurisdiction in which the housing  
16 is located, including any applicable State or local re-  
17 quirements regarding the number of occupants in  
18 such a facility; and

19                 “(3) complies with the requirement under sec-  
20 tion 409(a) regarding providing supportive services  
21 for homeless persons.

22           “(b) CLARIFICATION.—Permanent housing may—

23                 “(1) be restricted for occupancy by homeless  
24 persons with disabilities;

1           “(2) consist of or contain full dwelling units or  
2 dwelling units that do not contain bathrooms or  
3 kitchen facilities; and

4           “(3) be provided in the form of rental housing,  
5 cooperative housing, shared living arrangements, sin-  
6 gle family housing, short-term, flexible rental assist-  
7 ance, or other types of housing arrangements.

8           **“Subtitle C—Flexible Block Grant**  
9                               **Homeless Assistance**

10          **“SEC. 421. ELIGIBLE ACTIVITIES.**

11           “(a) IN GENERAL.—Grant amounts allocated for use  
12 under this subtitle may be used only for carrying out the  
13 following activities:

14           “(1) ACQUISITION AND REHABILITATION OF  
15 SUPPORTIVE HOUSING.—For acquisition or rehabili-  
16 tation of an existing structure to provide supportive  
17 housing other than emergency shelter or to provide  
18 supportive services, the repayment of any outstand-  
19 ing debt owed on a loan made to purchase an exist-  
20 ing structure for use as supportive housing shall be  
21 considered to be a cost of acquisition under this  
22 paragraph if the structure was not used as support-  
23 ive housing or to provide supportive services, before  
24 assistance is provided using grant amounts.

1           “(2) NEW CONSTRUCTION OF SUPPORTIVE  
2 HOUSING.—For new construction of a structure to  
3 be used as supportive housing.

4           “(3) LEASING OF SUPPORTIVE HOUSING.—For  
5 leasing of an existing structure or structures, flexible  
6 rental assistance that is tenant-based or project-  
7 based in an existing structure or structures, or por-  
8 tions thereof, to provide supportive housing or sup-  
9 portive services during the period covered by the ap-  
10 plication.

11           “(4) OPERATING COSTS FOR SUPPORTIVE  
12 HOUSING.—For covering operating costs of support-  
13 ive housing (which shall include capital costs for uti-  
14 lizing any interactive computer or telephone services  
15 and other electronic information networks and sys-  
16 tems appropriate for assisting homeless families); ex-  
17 cept that grant amounts provided under this subtitle  
18 may not be used to cover more than 75 percent of  
19 the annual operating costs of such housing.

20           “(5) HOMELESSNESS PREVENTION.—

21           “(A) IN GENERAL.—For activities designed  
22 to help persons (including veterans who are at  
23 risk of becoming homeless) and families avoid  
24 becoming homeless. Such activities shall  
25 include—

1                   “(i) assistance for making mortgage  
2                   payments, rental payments, and utility  
3                   payments;

4                   “(ii) assistance to persons who are  
5                   discharged from publicly funded institu-  
6                   tions or systems of care (such as health  
7                   care facilities, foster care or other youth  
8                   facilities, or correction programs and insti-  
9                   tutions); and

10                   “(iii) assistance for any activity other  
11                   than those found by the Secretary to be in-  
12                   consistent with the purposes of this Act.

13                   “(B) PERSONS ELIGIBLE FOR ASSIST-  
14                   ANCE.—Assistance under this paragraph may  
15                   be provided only to very low-income families  
16                   that have as a member a person who has been  
17                   discharged from a publicly funded institution or  
18                   system of care (such as a health care facility,  
19                   foster care or other youth facility, or correction  
20                   program or institution) or who has received an  
21                   eviction (or mortgage delinquency or fore-  
22                   closure) notice or a notice of termination of  
23                   utility service, and who—

24                   “(i) are unable to make the required  
25                   payments due to a reduction in income;

1                   “(ii) need such assistance to avoid im-  
2                   minent homelessness due to the eviction or  
3                   termination of services; and

4                   “(iii) have a reasonable prospect of  
5                   being able to resume payments within a  
6                   reasonable period of time.

7                   “(C) LIMITATION.—Assistance under this  
8                   paragraph may be provided only if such assist-  
9                   ance will not supplant funding for preexisting  
10                  homelessness prevention activities from other  
11                  services.

12                  “(6) PERMANENT HOUSING DEVELOPMENT AC-  
13                  TIVITIES.—For providing permanent housing devel-  
14                  opment activities as described in subtitle B.

15                  “(7) EMERGENCY SHELTER.—For—

16                         “(A) renovation, major rehabilitation, or  
17                         conversion of a building or buildings to be used  
18                         as emergency shelters;

19                         “(B) covering costs of supportive services  
20                         in connection with an emergency shelter, if such  
21                         services do not supplant any services provided  
22                         by the local government during any part of the  
23                         12-month period ending on the date of the com-  
24                         mencement of the operation of the emergency  
25                         shelter; and

1           “(C) covering costs relating to mainte-  
2           nance, operation, insurance, utilities, and fur-  
3           nishings for emergency shelters.

4           “(8) SUPPORTIVE SERVICES.—To the extent  
5           provided in section 406, for covering costs of sup-  
6           portive services provided to homeless persons in con-  
7           nection with a permanent or supportive housing fa-  
8           cility or otherwise.

9           “(9) TECHNICAL ASSISTANCE.—For technical  
10          assistance in carrying out the purposes of this title,  
11          except that the Secretary may provide such technical  
12          assistance directly to any grantee, including non-  
13          profit sponsors who are proposing project applica-  
14          tions for populations with special needs.

15          “(b) USE FOR HOUSING ACTIVITIES.—Of the aggre-  
16          gate of any grant amounts provided to a grantee for a  
17          fiscal year for use under this subtitle and the supplemental  
18          amounts provided for such fiscal year by the grantee in  
19          accordance with section 407, the grantee shall ensure that  
20          an amount that is not less than such grant amounts (less  
21          any amount used pursuant to section 408(g)) is used for  
22          eligible activities described in paragraphs (1) through (6)  
23          of subsection (a).

1 **“SEC. 422. USE OF AMOUNTS THROUGH PRIVATE NON-**  
2 **PROFIT PROVIDERS.**

3 “(a) IN GENERAL.—In each fiscal year, each grantee  
4 of amounts for use under this subtitle shall ensure that  
5 more than 50 percent of the amounts received by the  
6 grantee for such fiscal year are used for carrying out eligi-  
7 ble activities under section 421 through project sponsors  
8 that are private nonprofit organizations.

9 “(b) WAIVER.—The Secretary may waive the require-  
10 ment under subsection (a) that a grantee ensure that more  
11 than 50 percent of the amounts received by the grantee  
12 for the fiscal year are used through private nonprofit orga-  
13 nizations if the Secretary determines that there are not  
14 sufficient private nonprofit organizations available to the  
15 grantee to meet that requirement.

16 **“SEC. 423. SUPPORTIVE HOUSING.**

17 “(a) IN GENERAL.—Housing shall be considered sup-  
18 portive housing for purposes of this subtitle if—

19 “(1) the housing complies with the requirement  
20 under section 409(a) regarding providing supportive  
21 services for homeless persons;

22 “(2) the housing complies with any applicable  
23 State and local housing codes and licensing require-  
24 ments in the jurisdiction in which the housing is lo-  
25 cated; and

26 “(3) the housing—

1                   “(A) is transitional housing; or

2                   “(B) is permanent supportive housing as  
3                   described in section 412.

4           “(b) TRANSITIONAL HOUSING.—For purposes of this  
5 section, the term ‘transitional housing’ means housing, the  
6 purpose of which is to facilitate the movement of homeless  
7 persons and families to permanent housing within 24  
8 months or such longer period as the Secretary determines  
9 necessary. Assistance may be denied for housing based on  
10 a violation of this subsection only if a substantial number  
11 of homeless persons or families have remained in the hous-  
12 ing longer than such period.

13           “(c) SINGLE ROOM OCCUPANCY DWELLINGS.—For  
14 purposes of this section, a facility may provide supportive  
15 housing or supportive services in dwelling units that do  
16 not contain bathrooms or kitchen facilities and are appro-  
17 priate for use as supportive housing or in facilities con-  
18 taining some or all such dwelling units.

19           “(d) SAFE HAVEN HOUSING.—For purposes of this  
20 section, supportive housing may be a structure or a clearly  
21 identifiable portion of a structure that—

22                   “(1) provides housing and low-demand services  
23                   and referrals for homeless persons with serious men-  
24                   tal illness—

1           “(A) who are currently residing primarily  
2           in places not designed for, or ordinarily used as,  
3           regular sleeping accommodations for human  
4           beings; and

5           “(B) who have been unwilling or unable to  
6           participate in mental health or substance abuse  
7           treatment programs or to receive other support-  
8           ive services; except that a person whose sole im-  
9           pairment is substance abuse shall not be consid-  
10          ered an eligible person;

11          “(2) provides 24-hour residence for eligible indi-  
12          viduals who may reside for an unspecified duration;

13          “(3) provides private or semiprivate accom-  
14          modations;

15          “(4) may provide for the common use of kitch-  
16          en facilities, dining rooms, and bathrooms;

17          “(5) may provide supportive services to eligible  
18          persons who are not residents on a drop-in basis;

19          and

20          “(6) provides occupancy limited to no more  
21          than 25 persons.

22          **“SEC. 424. EMERGENCY SHELTER.**

23          “(a) IN GENERAL.—A facility shall be considered  
24          emergency shelter for purposes of this subtitle if the facil-  
25          ity is designed to provide overnight sleeping accommoda-

1 tions for homeless persons and complies with the require-  
2 ments under this section. An emergency shelter may in-  
3 clude appropriate eating and cooking accommodations.

4 “(b) REQUIREMENTS.—Grant amounts under this  
5 subtitle may be used for eligible activities under section  
6 421(a)(7) relating to emergency shelter only if—

7 “(1) the Secretary determines that—

8 “(A) use of such amounts is necessary to  
9 meet the emergency shelter needs of the juris-  
10 diction in which the facility is located; and

11 “(B) the use of such amounts for such ac-  
12 tivities will not violate the prohibition under  
13 section 408(f); and

14 “(2) the project sponsor agrees that it will—

15 “(A) in the case of assistance involving  
16 major rehabilitation or conversion of a building,  
17 maintain the building as a shelter for homeless  
18 persons and families for not less than a 10-year  
19 period unless, within such 10-year period, the  
20 need for maintaining the building as a full-time  
21 shelter ceases to exist and the building is used  
22 for the remainder of such period to carry out  
23 other eligible activities under this subtitle;

24 “(B) in the case of assistance involving re-  
25 habilitation (other than major rehabilitation or

1 conversion of a building), maintain the building  
2 as a shelter for homeless persons and families  
3 for not less than a 3-year period;

4 “(C) in the case of assistance involving  
5 only activities described in subparagraphs (B)  
6 and (C) of section 421(a)(7), provide services or  
7 shelter to homeless persons and families at the  
8 original site or structure or other sites or struc-  
9 tures serving the same general population for  
10 the period during which such assistance is pro-  
11 vided;

12 “(D) comply with the standards of housing  
13 quality applicable under section 408(h); and

14 “(E) assist homeless persons obtaining—

15 “(i) appropriate supportive services,  
16 permanent housing, medical and mental  
17 health treatment (including information  
18 and counseling regarding the benefits and  
19 availability of child immunization), coun-  
20 seling, supervision, veterans benefits, and  
21 other services essential for achieving inde-  
22 pendent living (including on-the-job train-  
23 ing programs which provide an hourly sti-  
24 pend of an amount that is not less than  
25 minimum wage and which are likely to im-

1           prove the long-term employability and  
2           earnings of homeless persons and reduce  
3           their need for subsidized housing); and  
4                   “(ii) other Federal, State, local, and  
5           private assistance available for homeless  
6           persons.

7                   **“Subtitle D—Reporting,**  
8                   **Definitions, and Funding**

9           **“SEC. 431. PERFORMANCE REPORTS BY GRANTEES.**

10           “(a) REQUIREMENT.—For each fiscal year, each  
11           grantee under this title shall review and report, in a form  
12           acceptable to the Secretary, on the progress it has made  
13           during such fiscal year in carrying out the activities de-  
14           scribed in the application resulting in such grant and the  
15           relationship of such activities to the comprehensive hous-  
16           ing affordability strategy under section 105 of the Cran-  
17           ston-Gonzalez National Affordable Housing Act for the  
18           applicable jurisdiction.

19           “(b) CONTENT.—Each report under this section for  
20           a fiscal year shall—

21                   “(1) describe the use of grant amounts provided  
22           to the grantee for such fiscal year;

23                   “(2) to the extent practicable until the develop-  
24           ment of a reasonable methodology by the Secretary  
25           and the Interagency Council on the Homeless, de-

1       scribe the number of homeless persons and families,  
2       including populations with special needs provided  
3       shelter, housing, or assistance using such grant  
4       amounts;

5               “(3) assess the relationship of such use to the  
6       goals identified pursuant to section 105(b)(2) of the  
7       Cranston-Gonzalez National Affordable Housing Act  
8       in the comprehensive housing affordability strategy  
9       for the applicable jurisdiction;

10              “(4) indicate the grantee’s programmatic ac-  
11       complishments, including efforts to coordinate serv-  
12       ices and programs within the jurisdiction and to in-  
13       clude coordination of and planning for the discharge  
14       of persons from publicly funded institutions or sys-  
15       tems of care (such as health care facilities, foster  
16       care or other youth facilities, or correction programs  
17       and institutions);

18              “(5) describe how the grantee would change its  
19       programs as a result of its experiences, including  
20       specific strategies to improve performance and ad-  
21       dress unmet needs identified pursuant to paragraph  
22       (7);

23              “(6) describe any delays that occurred in the  
24       startup of programs and the reason for each delay;

25              “(7) to the extent practicable, describe—

1           “(A) measurements of the number of  
2           homeless persons that entered permanent or  
3           permanent supportive housing;

4           “(B) the number of homeless persons eligi-  
5           ble for services, activities, or assistance but not  
6           served; and

7           “(C) any unmet needs within the plan pre-  
8           pared by the grantee; and

9           “(8) if a grantee states in the report that it is  
10          unable to provide any of the information required by  
11          this section because of the lack of an adequate  
12          standardized homeless database management system  
13          to record and assess data on the usage of homeless  
14          housing, services, and client needs, and on the num-  
15          ber of and other information related to populations  
16          with special needs, describe the strategy of the  
17          grantee to develop and implement such a standard-  
18          ized homeless database management system within a  
19          reasonable time period approved by the Secretary.

20          “(c) SUBMISSION.—The Secretary shall establish  
21          dates for submission of reports under this section and re-  
22          view such reports and make such recommendations as the  
23          Secretary considers appropriate to carry out the purposes  
24          of this title. The Secretary may withhold or reallocate  
25          funds granted to a grantee if the Secretary finds that the

1 grantee has complied with applicable program require-  
2 ments, but not substantially complied with the application  
3 that the grantee submitted to obtain such funds.

4 “(d) PUBLIC AVAILABILITY.—

5 “(1) IN GENERAL.—A grantee preparing a re-  
6 port under this section shall make the report pub-  
7 licly available to the citizens in the jurisdiction of  
8 the grantee in sufficient time to permit such citizens  
9 to comment on such report prior to its submission  
10 to the Secretary, and in such manner and at such  
11 times as the grantee may determine. The report  
12 shall include a summary of any such comments re-  
13 ceived by the grantee regarding its program.

14 “(2) ELECTRONIC ACCESS.—A grantee may  
15 comply with the requirement under paragraph (1) by  
16 making the report available through interactive com-  
17 puter or telephone services or other electronic infor-  
18 mation networks and systems appropriate for mak-  
19 ing such information widely publicly available. The  
20 Secretary shall make each final report submitted  
21 under this section publicly available through such a  
22 computer, telephone, or information service, net-  
23 work, or system.

24 “(e) AUTHORITY OF SECRETARY.—The Secretary  
25 shall establish procedures appropriate and practicable for

1 providing a fair hearing and timely resolution of citizen  
2 complaints related to performance reports under this sec-  
3 tion.

4 **“SEC. 432. ANNUAL REPORT BY SECRETARY.**

5 “The Secretary shall include in the annual report,  
6 under section 8 of the Department of Housing and Urban  
7 Development Act, information summarizing the activities  
8 carried out under this title and setting forth the findings,  
9 conclusions, and recommendations of the Secretary as a  
10 result of the activities. Such information and recommenda-  
11 tions shall include the number of veterans served under  
12 this title during the year for which the report is submitted  
13 and recommended actions designed to increase the number  
14 of veterans served under this title during the following  
15 year. Such information shall be made publicly available  
16 through interactive computer or telephone services or  
17 other electronic information networks and systems appro-  
18 priate for making such information widely available to the  
19 public.

20 **“SEC. 433. DEFINITIONS.**

21 “For purposes of this title, the following definitions  
22 shall apply:

23 “(1) **APPLICANT.**—The term ‘applicant’ means  
24 an eligible grantee that submits an application under  
25 section 408(a) for a grant under this title.

1           “(2) ELIGIBLE GRANTEE.—The term ‘eligible  
2 grantee’ is defined in section 403.

3           “(3) FACILITY.—The term ‘facility’ means a  
4 structure or structures (or a portion of such struc-  
5 ture or structures) that are assisted through eligible  
6 activities under subtitle C with grant amounts under  
7 this title (or for which the Secretary provides tech-  
8 nical assistance under section 421(a)(9)).

9           “(4) GRANTEE.—The term ‘grantee’ means an  
10 applicant that receives a grant under this title.

11           “(5) INSULAR AREA.—The term ‘insular area’  
12 means each of the Virgin Islands, Guam, American  
13 Samoa, the Northern Mariana Islands, and any  
14 other territory or possession of the United States.

15           “(6) METROPOLITAN CITY, CONSORTIUM.—The  
16 term ‘metropolitan city’ has the meaning given that  
17 term in section 102 of the Housing and Community  
18 Development Act of 1974. A consortium of units of  
19 general local governments shall be considered to be  
20 a metropolitan city—

21           “(A) for amounts allocated in accordance  
22 with section 406(c)(3), only if the consortium  
23 received funds for fiscal year 1998 or 1999  
24 under this title, as then in effect; and

1           “(B) for amounts allocated in accordance  
2 with any formula developed pursuant to section  
3 406(c)(5), only if the Secretary determines that  
4 the consortium—

5           “(i)(I) is comprised of units of general  
6 local government which are geographically  
7 contiguous (which may include all units of  
8 general local government within a State);

9           “(II) has sufficient authority and ad-  
10 ministrative capability to carry out the  
11 purposes of this title on behalf of its mem-  
12 ber jurisdictions; and

13           “(III) will, according to a written cer-  
14 tification by the State (or States, if the  
15 consortium includes jurisdictions in more  
16 than 1 State) in which its member jurisdic-  
17 tions are located, direct its activities to al-  
18 leviation of homelessness problems within  
19 the State (or States); or

20           “(ii) received funds for fiscal year  
21 1998 or 1999 under this title, as then in  
22 effect.

23           “(7) NONENTITLEMENT AREA.—The term ‘non-  
24 entitlement area’ means an area that is not a metro-

1       politan city or part of an urban county and does not  
2       include Indian tribes or insular areas.

3               “(8) OPERATING COSTS.—The term ‘operating  
4       costs’ means expenses incurred by a grantee operat-  
5       ing supportive housing assisted with grant amounts  
6       under this title, with respect to—

7               “(A) the administration, maintenance, re-  
8       pair, and security of such housing;

9               “(B) utilities, fuel, furnishings, and equip-  
10       ment for such housing; and

11              “(C) the conducting of the assessment  
12       under section 408(b)(2).

13              “(9) OUTPATIENT HEALTH SERVICES.—The  
14       term ‘outpatient health services’ means outpatient  
15       health care, outpatient mental health services, out-  
16       patient substance abuse services, and case manage-  
17       ment.

18              “(10) PERSON WITH DISABILITIES.—The term  
19       ‘person with disabilities’ means a person who—

20              “(A) has a disability as defined in section  
21       223 of the Social Security Act;

22              “(B) is determined to have, pursuant to  
23       regulations issued by the Secretary, a physical,  
24       mental, or emotional impairment which (i) is  
25       expected to be of long, continued, and indefinite

1 duration, (ii) substantially impedes an individ-  
2 ual's ability to live independently, and (iii) is  
3 of such a nature that such ability could be im-  
4 proved by more suitable housing conditions; or

5 “(C) has a developmental disability as de-  
6 fined in section 102 of the Developmental Dis-  
7 abilities Assistance and Bill of Rights Act.

8 Such term shall not exclude persons who have the  
9 disease of acquired immunodeficiency syndrome or  
10 any conditions arising from the etiologic agent for  
11 acquired immunodeficiency syndrome.

12 “(11) PRIVATE NONPROFIT ORGANIZATION.—  
13 The term ‘private nonprofit organization’ means any  
14 private organization that—

15 “(A) is organized under State or local  
16 laws;

17 “(B) has no part of its net earnings inur-  
18 ing to the benefit of any member, founder, con-  
19 tributor, or individual;

20 “(C) complies with standards of financial  
21 accountability acceptable to the Secretary; and

22 “(D) has among its purposes significant  
23 activities related to the provision of—

1                   “(i) decent housing that is affordable  
2                   to low-income and moderate-income fami-  
3                   lies; or

4                   “(ii) shelter, housing, or services for  
5                   homeless persons or families or for persons  
6                   or families at risk of becoming homeless.

7                   “(12) PROJECT SPONSOR.—The term ‘project  
8                   sponsor’ means an entity that uses grant amounts  
9                   under this title to carry out a permanent housing  
10                  development program under subtitle B or eligible ac-  
11                  tivities under subtitle C. The term includes a grant-  
12                  ee carrying out such a program or activities.

13                  “(13) SECRETARY.—The term ‘Secretary’  
14                  means the Secretary of Housing and Urban Develop-  
15                  ment.

16                  “(14) STATE.—The term ‘State’ means each of  
17                  the several States and the Commonwealth of Puerto  
18                  Rico.

19                  “(15) SUPPORTIVE HOUSING.—The term ‘sup-  
20                  portive housing’ means a facility that meets the re-  
21                  quirements of section 423.

22                  “(16) SUPPORTIVE SERVICES.—The term ‘sup-  
23                  portive services’ means services under section 409.

24                  “(17) URBAN COUNTY, UNIT OF GENERAL  
25                  LOCAL GOVERNMENT.—The terms ‘urban county’

1 and ‘unit of general local government’ have the  
2 meanings given the terms in section 102 of the  
3 Housing and Community Development Act of 1974.

4 “(18) VERY LOW-INCOME FAMILIES.—The term  
5 ‘very low-income families’ has the same meaning  
6 given the term under section 3(b) of the United  
7 States Housing Act of 1937 (or any other subse-  
8 quent provision of Federal law defining such term  
9 for purposes of eligibility for, or rental charges in,  
10 public housing).

11 **“SEC. 434. REGULATIONS.**

12 “(a) ISSUANCE.—Not later than the expiration of the  
13 30-day period beginning upon the date of the enactment  
14 of the Homeless Housing Programs Consolidation and  
15 Flexibility Act, the Secretary shall issue interim regula-  
16 tions to carry out this title. The Secretary shall issue final  
17 regulations to carry out this title after notice and oppor-  
18 tunity for public comment regarding the interim regula-  
19 tions in accordance with the procedure under section 553  
20 of title 5, United States Code, applicable to substantive  
21 rules (notwithstanding subsections (a)(2), (b)(B), and  
22 (d)(3) of such section), but not later than the expiration  
23 of the 90-day period beginning upon the date of the enact-  
24 ment of the Homeless Housing Programs Consolidation  
25 and Flexibility Act.

1       “(b) RULE OF CONSTRUCTION.—Any failure by the  
2 Secretary to issue any regulations under this section shall  
3 not affect the effectiveness of any provision of this title  
4 pursuant to section 4(b) of the Homeless Housing Pro-  
5 grams Consolidation and Flexibility Act.

6       **“SEC. 435. AUTHORIZATION OF APPROPRIATIONS.**

7       “(a) IN GENERAL.—There are authorized to be ap-  
8 propriated for grants under this title \$1,020,000,000 for  
9 fiscal year 2000 and such sums as may be necessary for  
10 each of fiscal years 2001, 2002, 2003, and 2004.

11       “(b) PROHIBITION ON SETASIDES.—Notwithstanding  
12 any other provision of law, any attempt to put any restric-  
13 tion on the use of funds appropriated for this title (such  
14 as for use in special projects) shall be considered an appro-  
15 priation without authorization and shall be without force  
16 or effect.”.

17       (b) APPLICABILITY.—The provisions of the amend-  
18 ment made by subsection (a) shall apply with respect to  
19 fiscal year 2000 and each fiscal year thereafter.

20       **SEC. 6. INTERAGENCY COUNCIL ON THE HOMELESS.**

21       (a) CHAIRPERSON AND VICE CHAIRPERSON.—Sec-  
22 tion 202(b) of the Stewart B. McKinney Homeless Assist-  
23 ance Act (42 U.S.C. 11312(b)) is amended to read as fol-  
24 lows:

25       “(b) CHAIRPERSON AND VICE CHAIRPERSON.—

1           “(1) CHAIRPERSON.—The Council shall elect a  
2           Chairperson from among its members, who shall  
3           have a term of 2 years. A member of the Council by  
4           reason of any of paragraphs (1) through (16) of  
5           subsection (a) who serves as Chairperson for a term  
6           may not be elected to serve as Chairperson for the  
7           succeeding term. The preceding sentence shall not  
8           apply to any member serving as Chairperson on the  
9           date of the enactment of the Homeless Housing Pro-  
10          grams Consolidation and Flexibility Act.

11          “(2) VICE CHAIRPERSON.—The Vice Chair-  
12          person of the Council shall have a term of 2 years  
13          and shall be—

14                 “(A) the Secretary of Housing and Urban  
15                 Development, if such Secretary is not elected as  
16                 the Chairperson of the Council; or

17                 “(B) elected by the Council from among its  
18                 members, if the Secretary of Housing and  
19                 Urban Development is elected as the Chair-  
20                 person of the Council.

21          “(3) Notwithstanding paragraphs (1) and (2),  
22          the first Chairperson elected after the date of the  
23          enactment of the Homeless Housing Programs Con-  
24          solidation and Flexibility Act may not be the Sec-  
25          retary of Housing and Urban Development.”.

1 (b) AUTHORIZATION OF APPROPRIATIONS.—Section  
2 208 of the Stewart B. McKinney Homeless Assistance Act  
3 (42 U.S.C. 11318) is amended to read as follows:

4 **“SEC. 208. AUTHORIZATION OF APPROPRIATIONS.**

5 “Of any amounts made available in any fiscal year  
6 to carry out title IV, 0.0012 of such amounts shall be  
7 available to carry out this title.”

8 (c) TERMINATION.—Section 209 of the Stewart B.  
9 McKinney Homeless Assistance Act (42 U.S.C. 11319) is  
10 amended by striking “October 1, 1994” and inserting  
11 “October 1, 2004”.

12 (d) REPEAL.—Section 210 of the Stewart B. McKin-  
13 ney Homeless Assistance Act (42 U.S.C. 11320) is hereby  
14 repealed.

15 **SEC. 7. INVENTORY OF FEDERAL FACILITIES SUITABLE**  
16 **FOR OVERNIGHT SHELTER FOR HOMELESS**  
17 **PERSONS.**

18 (a) IDENTIFICATION.—Not later than 30 days after  
19 the date of the enactment of this Act, the Secretary of  
20 Housing and Urban Development shall request, from the  
21 head of each executive agency, information that identifies  
22 each covered facility (or any parts thereof) under the con-  
23 trol of the executive agency that is suitable for use as tem-  
24 porary overnight shelter for homeless persons.

1           (b) CONSULTATION.—At the request of the head of  
2 any executive agency, the Secretary shall consult with such  
3 agency head regarding whether facilities of the agency, or  
4 a particular facility or facilities, are covered facilities or  
5 are suitable for use as temporary overnight shelter for  
6 homeless persons.

7           (c) COMPILATION AND PUBLICATION.—Not later  
8 than 60 days after the date of the enactment of this Act,  
9 the Secretary shall compile the information submitted pur-  
10 suant to subsection (a) and cause the compiled informa-  
11 tion to be published in the Federal Register a list of all  
12 covered facilities identified as suitable for use as tem-  
13 porary overnight shelter for homeless persons.

14           (d) DEFINITIONS.—For purposes of this section, the  
15 following definitions shall apply:

16           (1) COVERED FACILITY.—The term “covered  
17 facility” means any building, structure, land, or  
18 other real property that, in the determination of the  
19 head of the Federal agency having control of the  
20 property, using standards that shall be established  
21 by the Secretary, reasonably could be made available  
22 for the use described in subsection (a) without sub-  
23 stantial conflict with any other existing, expected, or  
24 potential use of the property to carry out the mis-  
25 sion of the agency.

1           (2) EXECUTIVE AGENCY.—The term “executive  
2           agency” has the meaning given such term in section  
3           105 of title 5, United States Code.

4           (3) HOMELESS PERSON.—The term “homeless  
5           person” has the meaning given such term in section  
6           102 of the Stewart B. McKinney Homeless Assist-  
7           ance Act (42 U.S.C. 11302).

8           (4) SECRETARY.—The term “Secretary” means  
9           the Secretary of Housing and Urban Development.

10 **SEC. 8. REPEALS AND CONFORMING AMENDMENTS.**

11           (a) REPEALS.—The following provisions of law are  
12           hereby repealed:

13           (1) INNOVATIVE HOMELESS INITIATIVES DEM-  
14           ONSTRATION.—Section 2 of the HUD Demonstra-  
15           tion Act of 1993 (42 U.S.C. 11301 note).

16           (2) FHA SINGLE FAMILY PROPERTY DISPOSI-  
17           TION FOR HOMELESS USE.—Section 1407 of the  
18           Housing and Community Development Act of 1992  
19           (Public Law 102–550; 106 Stat. 4034).

20           (3) HOUSING FOR RURAL HOMELESS AND MI-  
21           GRANT FARMWORKERS.—Subsection (k) of section  
22           516 of the Housing Act of 1949 (42 U.S.C.  
23           1486(k)).

24           (b) TERMINATION OF SRO ASSISTANCE PROGRAM.—  
25           Section 8(e)(2) of the United States Housing Act of 1937

1 shall not be in effect on or after the date of the enactment  
 2 of this Act as provided in subsections (a)(4) and (b)(2)  
 3 of section 289 of the Cranston-Gonzalez National Afford-  
 4 able Housing Act (42 U.S.C. 12839).

5 (c) CONFORMING AMENDMENTS TO YOUTHBUILD  
 6 PROGRAM.—Title IV of the Cranston-Gonzalez National  
 7 Affordable Housing Act is amended—

8 (1) in section 455(b) (42 U.S.C. 12899d(b)) by  
 9 inserting “subtitle C of” before “title IV”; and

10 (2) in section 457(4) (42 U.S.C. 12899f(4)), by  
 11 striking “section 103” and inserting “section 102”.

12 (d) CLERICAL AMENDMENT.—The table of contents  
 13 in section 101(b) of the Stewart B. McKinney Homeless  
 14 Assistance Act is amended by striking the items relating  
 15 to titles I, II, III, and IV (including the items relating  
 16 to the subtitles, parts, and sections of such titles) and in-  
 17 serting the following new items:

“TITLE I—GENERAL PROVISIONS

- “Sec. 101. Short title and table of contents.
- “Sec. 102. General definition of homeless individual.
- “Sec. 103. Funding availability and limitations.
- “Sec. 104. Annual program summary by Comptroller General.

“TITLE II—INTERAGENCY COUNCIL ON THE HOMELESS

- “Sec. 201. Establishment.
- “Sec. 202. Membership.
- “Sec. 203. Functions.
- “Sec. 204. Director and staff.
- “Sec. 205. Powers.
- “Sec. 206. Transfer of functions.
- “Sec. 207. Definitions.
- “Sec. 208. Authorization of appropriations.
- “Sec. 209. Termination.

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“TITLE III—FEDERAL EMERGENCY MANAGEMENT FOOD AND  
SHELTER PROGRAM

## “Subtitle A—Administrative Provisions

- “Sec. 301. Emergency Food and Shelter Program National Board.
- “Sec. 302. Local boards.
- “Sec. 303. Role of Federal Emergency Management Agency.
- “Sec. 304. Records and audit of National Board and grantees of assistance.
- “Sec. 305. Annual report.

## “Subtitle B—Emergency Food and Shelter Grants

- “Sec. 311. Grants by the Director.
- “Sec. 312. Retention of interest earned.
- “Sec. 313. Purposes of grants.
- “Sec. 314. Limitation on certain costs.
- “Sec. 315. Disbursement of funds.
- “Sec. 316. Program guidelines.

## “Subtitle C—General Provisions

- “Sec. 321. Definitions.
- “Sec. 322. Authorization of appropriations.

“TITLE IV—PERMANENT HOUSING DEVELOPMENT AND  
FLEXIBLE BLOCK GRANT HOMELESS ASSISTANCE PROGRAM

## “Subtitle A—General Provisions

- “Sec. 401. Purpose; performance measures.
- “Sec. 402. Grant authority.
- “Sec. 403. Eligible grantees.
- “Sec. 404. Use of project sponsors.
- “Sec. 405. Comprehensive housing affordability strategy compliance.
- “Sec. 406. Allocation and availability of amounts.
- “Sec. 407. Matching funds requirement.
- “Sec. 408. Program requirements.
- “Sec. 409. Supportive services.
- “Sec. 410. Nondiscrimination in programs and activities.
- “Sec. 410A. Grant amounts to grantees in Georgia.

## “Subtitle B—Permanent Housing Development Activities

- “Sec. 411. Use of amounts and general requirements.
- “Sec. 412. Permanent housing development.

## “Subtitle C—Flexible Block Grant Homeless Assistance

- “Sec. 421. Eligible activities.
- “Sec. 422. Use of amounts through private nonprofit providers.
- “Sec. 423. Supportive housing.
- “Sec. 424. Emergency shelter.

## “Subtitle D—Reporting, Definitions, and Funding

- “Sec. 431. Performance reports by grantees.
- “Sec. 432. Annual report by Secretary.
- “Sec. 433. Definitions.

“Sec. 434. Regulations.

“Sec. 435. Authorization of appropriations.”.

1 **SEC. 9. SHELTER PLUS CARE PROGRAM.**

2 (a) ADMINISTRATION OF PROGRAM.—Assistance  
3 under subtitle F of title IV of the Stewart B. McKinney  
4 Homeless Assistance Act (42 U.S.C. 11401 et seq.) shall  
5 be administered, and contracts for such assistance may  
6 be renewed, in accordance with the provisions of that sub-  
7 title as in effect on the day before the date of the enact-  
8 ment of this Act.

9 (b) FUNDING.—For fiscal years after fiscal year  
10 1999, assistance under subtitle F of title IV of the Stewart  
11 B. McKinney Homeless Assistance Act (42 U.S.C. 11401  
12 et seq.), as in effect on the day before the date of the  
13 enactment of this Act, may be funded using funds appro-  
14 priated for section 8 of the United States Housing Act  
15 of 1937 (42 U.S.C. 1437f).

16 (c) ADDITIONAL AUTHORIZATION.—There are au-  
17 thorized to be added to funds appropriated for section 8  
18 of the United States Housing Act of 1937 (42 U.S.C.  
19 1437f) \$184,000,000 for fiscal year 2000 and such sums  
20 as may be necessary for each of fiscal years 2001, 2002,  
21 2003, and 2004 for the renewal of contracts under subtitle  
22 F of title IV of the Stewart B. McKinney Homeless Assist-  
23 ance Act (42 U.S.C. 11401 et seq.).

1 **SEC. 10. SAVINGS PROVISION.**

2 Nothing in this Act may be construed to affect the  
3 validity of any right, duty, or obligation of the United  
4 States or other person arising under or pursuant to any  
5 commitment or agreement entered into before the date of  
6 the enactment of this Act under any provision of law re-  
7 pealed or amended by this Act.

8 **SEC. 11. TREATMENT OF PREVIOUSLY OBLIGATED**  
9 **AMOUNTS.**

10 Notwithstanding the amendment or repeal of any  
11 provision of law by this Act, any amounts appropriated  
12 to carry out the provisions so amended or repealed that  
13 are obligated before the date of the enactment of this Act  
14 shall be used in the manner provided, and subject to any  
15 requirements and agreements entered into, under such  
16 provisions as such provisions were in effect immediately  
17 before such date of enactment.

18 **SEC. 12. SURPLUS FEDERAL PROPERTY EXCEPTION.**

19 For economic activity purposes, for the 24-month pe-  
20 riod following the date of the enactment of this Act, title  
21 V of the Stewart B. McKinney Homeless Assistance Act  
22 (42 U.S.C. 11411 et seq.) shall not apply to the Federal  
23 building located at 220 7th Street, NE, Charlottesville,  
24 Virginia: *Provided*, That the local governing body for the  
25 city of Charlottesville, Virginia, after consultation with the  
26 Secretary, makes a finding that there are ample facilities

1 for the homeless in the city of Charlottesville without the  
2 utilization of such Federal building.

3 **SEC. 12. SENSE OF THE CONGRESS.**

4 It is the sense of Congress that—

5 (1) long-term assistance under title IV of the  
6 Stewart B. McKinney Homeless Assistance Act is  
7 intended to be a tenant subsidy for the purposes of  
8 section 42 of the Internal Revenue Code of 1986;

9 (2) grants for capital costs under title IV of the  
10 Stewart B. McKinney Homeless Assistance Act are  
11 not intended to constitute Federal program funds  
12 for purposes of calculating eligible basis under sec-  
13 tion 42 of the Internal Revenue Code of 1986; and

14 (3) Federal funds provided for homeless veter-  
15 ans should be expended—

16 (A) in a manner designed to address vet-  
17 eran-specific causes of homelessness;

18 (B) in a manner designed to maximize the  
19 rehabilitation of homeless veterans; and

20 (C) to the extent practical, in coordination  
21 with other veterans' programs.